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# Investment Report





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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FARM CREDIT ADMINISTRATION

12 CFR Parts 613 and 618

RIN 3052-AB28

**Eligibility and Scope of Financing; General Provisions; Financing of Basic Processing and Marketing Activities; Authorized Insurance Services; Effective Date**

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published final regulations under parts 613 and 618 on December 20, 1991 (56 FR 65986). The final regulations amend 12 CFR parts 613 and 618 to delete the 20-percent minimum throughput requirement for loans financing the processing and/or marketing operations of eligible farmers, ranchers, and producers or harvesters of aquatic products, and imposes the statutory limitation on the volume of such loans where the throughput provided by the borrower is less than 20 percent. The final amendment also modifies the requirement that all Farm Credit System institutions must offer more than two insurance carriers. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the *Federal Register* during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is February 26, 1992.

**EFFECTIVE DATE:** February 26, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Linda C. Sherman, Senior Credit Specialist, Office of Examination, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4498,

or

Richard A. Katz, Attorney, Office of General Counsel, Farm Credit

Administration, McLean, VA 22102-5090, (703) 883-4020 TDD (703) 883-4444.

**Authority:** 12 U.S.C. 2252(a) (9) and (10).

**Dated:** February 21, 1992.

**Curtis M. Anderson,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 92-4376 Filed 2-25-92; 8:45 am]

**BILLING CODE** 6705-01-M

## NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 703

### Investment and Deposit Activities

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** This final rule will delay the effective date of § 703.5(e) of the NCUA Rules and Regulations concerning federal credit union investment in corporate credit unions. It is necessary because § 703.5(e) references part 704 of the NCUA Rules and Regulations, which has not yet been finalized. The rule will make § 703.5(e) effective upon the effective date of part 704. The NCUA will publish the effective date of § 703.5(e) in the *Federal Register*.

**EFFECTIVE DATE:** The effective date of § 703.5(e) is delayed indefinitely.

**FOR FURTHER INFORMATION CONTACT:**

Lisa Henderson (Staff Attorney), (202-682-9630), or Charles Felker (Investment Officer), (202-682-9640).

**SUPPLEMENTARY INFORMATION:** On October 17, 1991, The NCUA Board issued a final rule amending part 703 of the NCUA Rules and Regulations (See 56 FR 56000, Oct. 31, 1991). The rule became effective on December 2, 1991, except for § 703.5(e), which was to become effective on March 1, 1992. The effective date of § 703.5(e) was delayed because that section references part 704 of the Rules and Regulations, which was in the process of being amended. The Board had anticipated that new part 704 would be in effect by March 1, 1992, but has now determined that it will be several months before that provision is issued as a final rule and takes effect.

The Board is therefore delaying the effective date of § 703.5(e) until the effective date of new part 704, which

will be published in the *Federal Register*.

By the National Credit Union Administration Board on February 19, 1992.

**Becky Baker,**

*Secretary of the Board.*

[FR Doc. 92-4308 Filed 2-25-92; 8:45 am]

**BILLING CODE** 7535-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

21 CFR Part 558

**New Animal Drugs for Use in Animal Feeds; Monensin and Bacitracin Methylene Disalicylate**

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by A. L. Laboratories, Inc. The approval provides for establishing a dose range for monensin sodium of 90 to 110 grams per ton (g/ton) when used in combination with bacitracin methylene disalicylate at 4 to 50 g/ton in Type C medicated broiler feeds.

**EFFECTIVE DATE:** February 19, 1992.

**FOR FURTHER INFORMATION CONTACT:**

James F. McCormack, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8602.

**SUPPLEMENTARY INFORMATION:** A. L. Laboratories, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, is the sponsor of NADA 138-456. The NADA provides for use of single ingredient Type A medicated articles for the manufacture of a combination drug Type C medicated broiler feed containing monensin sodium at 110 g/ton with bacitracin methylene disalicylate at 4 to 50 g/ton. The feeds are used for improved feed efficiency and as an aid in the prevention of coccidiosis caused by *Eimeria necatrix*, *E. tenella*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati*. The firm has filed a supplemental NADA which provides for establishing a dose range for monensin sodium of 90 to 110 g/ton.



The supplemental NADA is approved as of February 19, 1992, and 21 CFR 558.355(f)(1)(xxiv) is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Monensin and bacitracin methylene disalicylate are new animal drugs used in Type A medicated articles to make Type C medicated feeds. Both drugs are Category I drugs which, as provided in 21 CFR 558.4(a), do not require an approved FDA 1900 for making Type C medicated feeds as in approved NADA 138-456 and in the regulation herein amended in 21 CFR 558.355(f)(1)(xxiv).

In accordance with the freedom of information provisions of Part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of relevant data and information submitted to support this approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Generic Animal Drug and Patent Term Restoration Act of 1988 (21 U.S.C. 360b(c)(2)(F)(iii)), this supplement does not qualify for an exclusivity period. The reports supporting the supplement do not qualify as "new clinical or field investigations" under that section because there is an earlier approval under section 512(b)(1) of the act for the combined use of monensin sodium and bacitracin methylene disalicylate in broiler chicken feeds based on similar investigations.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

#### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.355 is amended by revising paragraph (f)(1)(xxiv) to read as follows:

#### § 558.355 Monensin.

(f) \* \* \*  
(1) \* \* \*  
(xxiv) Amount per ton. Monensin, 90 to 110 grams, plus bacitracin methylene disalicylate, 4 to 50 grams.

Dated: February 19, 1992.

Robert C. Livingston,  
Director, Office of New Animal Drug  
Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-4361 Filed 2-25-92; 8:45 am]

BILLING CODE 4160-01-M

#### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Parts 1 and 7

(T.D. 8397)

RIN 1545-AQ29

#### Requirements Relating to Certain Exchanges Involving a Foreign Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final and temporary regulations.

**SUMMARY:** This document provides final and temporary Income Tax Regulations concerning requirements relating to certain exchanges involving a foreign corporation pursuant to section 367(b) of the Internal Revenue Code, as enacted by the Tax Reform Act of 1976. These regulations provide guidance needed to comply with these requirements.

**DATES:** The amendments to the authority citations for parts 1 and 7 and §§ 1.367(b)-2 and 7.367(b)-2 (d) and (f) are effective on January 1, 1978, and apply to exchanges beginning on or after that date. Sections 1.367(b)-7 through 1.367(b)-9, 7.367(b)-7 (c)(1)(ii) and (iii), 7.367(b)-8 (c)(2), and 7.367(b)-9 (b)(4) are effective on March 3, 1989, and apply to transactions beginning on or after that date.

**FOR FURTHER INFORMATION CONTACT:** Irwin Halpern of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Attention: CC:CORP:TR (INTL-988-86) (202-566-3452, not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

#### Background

On March 6, 1989, the Internal Revenue Service published in the *Federal Register* proposed Income Tax Regulations (54 FR 9200) under section 367(b) of the Internal Revenue Code. Written comments were received from the public.

#### Explanation of Provisions

The comments received in response to the proposed regulations were favorable. As a result, no substantive changes have been made in the final regulations. However, two examples have been added illustrating the application of the regulations. Specifically, two examples have been added to § 1.367(b)-8(c)(2) (previously § 7.367(b)-8(c)(2)) illustrating the operation of that section in conjunction with § 1.367(b)-7(c)(1)(ii) (previously § 7.367(b)-7(c)(1)(ii)).

#### Special Analyses

It has been determined that these rules are not major rules defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

#### Drafting Information

The principal author of these regulations is Irwin Halpern of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. Other personnel from the Internal Revenue Service and Treasury Department participated in developing these regulations.

#### Lists of Subjects

26 CFR 1.361-1 through 1.367(e)-2T

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 7

Income taxes, Reporting and recordkeeping requirements.



**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR parts 1 and 7 are amended as follows:

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

Paragraph 1. The authority for part 1 is amended by adding the following citations:

**Authority:** Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805 \* \* \* § 1.367 (b)-2 also issued under 26 U.S.C. 367 (b). \* \* \* § 1.367 (b)-7 also issued under 26 U.S.C. 367 (b). \* \* \* § 1.367 (b)-8 also issued under 26 U.S.C. 367 (b). \* \* \* § 1.367 (b)-9 also issued under 26 U.S.C. 367 (b). \* \* \*

Par. 2. Section 1.367 (b)-2 is added to read as follows:

**§ 1.367 (b)-2 Definitions.**

(a) through (c) [Reserved].  
(d) **Section 1248 amount.** In the case of an exchange of stock in a first-tier foreign corporation described in § 7.367 (b)-7 (c)(1)(i) of this chapter or a distribution by a foreign corporation described in § 7.367 (b)-10 (i) of this chapter in which an inclusion in gross income determined by reference to the "section 1248 amount" is required by those provisions, the term "section 1248 amount" means the net positive earnings and profits which would have been attributable under section 1248 and the regulations under that section to the stock of the foreign corporation exchanged if the stock has been sold in a transaction to which section 1248(a) applied. For all other purposes of this section, in the case of an exchange of stock in a first-tier foreign corporation to which section 367(b) applies, the term "section 1248 amount" means the earnings and profits or deficit in earnings and profits which would have been attributable under section 1248 and the regulations under that section to the stock of the foreign corporation exchanged if the stock had been sold in a transaction to which section 1248(a) applied.

(e) [Reserved].

(f) **All earnings and profits amounts.** For purposes of asset repatriations covered by §§ 7.367 (b)-5 (b), 7.367 (b)-6 (c), 7.367 (b)-7 (c)(2) and 7.367 (b)-10 (j) of this chapter, the term "all earnings and profits amount" means the net positive earnings and profits, if any, for all taxable years which are attributable to the stock of the foreign corporation exchanged under the principles of section 1246 or 1248 (whichever is applicable) and the regulations under that section. For all other purposes, the term "all earnings and profits amount"

means the earnings and profits or deficit in earnings and profits for all taxable years which are attributable to the stock of the foreign corporation exchanged under the principles of section 1246 or 1248 (whichever is applicable) and the regulations under that section. The determination shall be made by applying section 1246 or 1248 as modified by §§ 7.367 (b)-2 through 7.367 (b)-12 of this chapter as if there were no distinction in those sections between earnings and profits accumulated before or after December 31, 1962.

Par. 3. Section 1.367 (b)-7 is added to read as follows:

**§ 1.367 (b)-7 Exchange of stock described in section 354.**

(a) [Reserved].  
(b) [Reserved].  
(c) **Receipt of other stock—(1) General Rule.** (i) [Reserved].  
(ii) If an exchanging foreign corporation receives stock of a domestic corporation, or stock of a foreign corporation which is not a controlled foreign corporation, or stock of a controlled foreign corporation as to which any United States shareholder of the exchanging foreign corporation is not a United States shareholder, then there shall be added to the earnings and profits or deficit of the exchanging foreign corporation the section 1248 (c)(2) amount and the additional earnings and profits amount of the exchanging foreign corporation, computed as if all stock of the corporation whose stock is exchanged is owned by a United States shareholder. The amount added shall not be considered a dividend. Paragraph (c)(1)(iii) of this section, and not this paragraph (c)(1)(ii), applies if the stock received—

(A) Is of a domestic corporation which is a member of an affiliated group (as defined in section 1504(a), without application of section 1504(b)(3)) that also includes the exchanging foreign corporation as a member; and

(B) Is not received in an exchange pursuant to which the foreign corporation whose stock is exchanged transfers its assets to a domestic corporation.

(iii) For exchanges beginning after March 3, 1989, if the stock received is described in the last sentence of paragraph (c)(1)(ii) of this section, then the foreign corporation whose stock is exchanged will be considered to be a foreign corporation for purposes of section 354 or 356. This paragraph (c)(1)(iii) may be illustrated by the following examples:

**Example 1.** A U.S. parent corporation (USP) owns all of the stock of a foreign corporation

(CFC1), which in turn owns all of the stock of a second foreign corporation (CFC2), which in turn owns all of the stock of a third foreign corporation (CFC3). USP also owns all of the stock of a U.S. subsidiary (Subsidiary). CFC2 and CFC3 have accumulated earnings and profits or accumulated deficits in earnings and profits. Subsidiary acquires all of the stock of CFC2 from CFC1 in exchange for stock of Subsidiary in a reorganization described in section 368(a)(1)(B). CFC1 will not recognize gain on the exchange. Moreover, CFC2's and CFC3's accumulated earnings and profits or accumulated deficits in earnings and profits will remain in CFC2 and CFC3, respectively, and will not be added to the earnings and profits or deficits in earnings and profits of CFC1.

**Example 2.** USP owns all of the stock of CFC1, which in turn owns all of the stock of CFC2. USP also owns all of the stock of a U.S. subsidiary (Subsidiary), which in turn owns all of the stock of CFC3. CFC3 acquires the assets of CFC2 in exchange for voting stock of Subsidiary in a reorganization described in section 368(a)(1)(C). Pursuant to the reorganization, CFC2 distributes the stock of Subsidiary to CFC1. CFC1 will not recognize gain on the exchange. In addition, CFC2's accumulated earnings and profits or accumulated deficits in earnings and profits will be added to CFC3's earnings and profits under section 381(c)(2), subject to the limitations contained in section 381 and in the regulations under that section.

(2) [Reserved].

Par. 4. Section 1.367(b)-8 is added to read as follows:

**§ 1.367(b)-8 Transfer of assets by a foreign corporation in an exchange described in section 351.**

(a) [Reserved].

(b) [Reserved].

(c) **Transfer of stock in a controlled foreign corporation.** (1) [Reserved].

(2) If the transferor corporation transfers stock in a foreign corporation of which there is a United States shareholder immediately before the exchange, and the transferor receives stock of a domestic corporation, of a foreign corporation which is not a controlled foreign corporation, or of a controlled foreign corporation as to which any United States shareholder of the transferor is not a United States shareholder, paragraph (c)(1)(ii) of § 1.367(b)-7 shall apply. This paragraph (c)(2) may be illustrated by the following examples:

**Example 1.** A U.S. parent corporation (USP) owns all of the stock of a foreign corporation (CFC1), which in turn owns all of the stock of a second foreign corporation (CFC2). CFC1 and CFC2 have accumulated earnings and profits or accumulated deficits in earnings and profits. CFC1 transfers its CFC2 stock to a newly organized foreign corporation (Newco) that is not a controlled foreign corporation, in an exchange described in section 351(a). CFC1 receives 20 percent of



the Newco stock in exchange for its CFC2 stock. Persons unrelated to USP and CFC1 receive the remaining 80 percent of the Newco stock. Pursuant to the first sentence of § 1.367(b)-7 (c)(1)(ii), CFC2's accumulated earnings and profits or accumulated deficits in earnings and profits will be added to CFC1's earnings and profits or deficits in earnings and profits.

**Example 2.** USP owns all of the stock of CFC1, which in turn owns all of the stock of CFC2. USP also owns all of the stock of a U.S. subsidiary (Subsidiary). Subsidiary has both voting and nonvoting stock outstanding. In a transaction occurring after March 3, 1989, CFC1 transfers its CFC2 stock to Subsidiary in an exchange described in section 351(a). CFC1 receives 80 percent of each class of Subsidiary's stock in exchange for its CFC2 stock. Pursuant to the last sentence of § 1.367(b)-7 (c)(1)(ii), CFC2's accumulated earnings and profits or accumulated deficits in earnings and profits will remain in CFC2, and will not be added to the earnings and profits or deficits in earnings and profits of CFC1.

**Par. 5.** Section 1.367(b)-9 is added to read as follows:

**§ 1.367 (b)-9 Attribution of earnings and profits on an exchange described in section 351, 354, or 356.**

(a) [Reserved].  
(b) *General Rule.* (1) through (3) [Reserved].  
(4) For exchanges beginning on or after March 3, 1989, paragraph (b) (2) and (3) of § 7.367(b)-9 of this chapter will not apply if a U.S. shareholder described in §§ 7.367(b)-7 (b) or 7.367 (b)-8 (c) (1) of this chapter owns (applying the attribution rules of section 958) more than 50 percent of either the total voting power or the total value of the stock of both the corporation whose stock is received in the exchange and the corporation whose stock is exchanged. If this paragraph (b) (4) applies, the rules of section 381 (a) and the regulations under that section will determine the extent to which the corporation whose stock is received in the exchange (or other acquiring corporation) will succeed to the earnings and profits or a deficit in earnings and profits of the corporation whose stock is exchanged and of lower-tier corporations. This paragraph (b) (4) may be illustrated by the following examples:

**Example 1.** A U.S. parent owns all of the stock of CFC1 and CFC2. CFC1 has accumulated earnings and profits or an accumulated deficit in earnings and profits. CFC2 acquires all of the stock of CFC1 from the U.S. parent in a reorganization described in section 368 (a) (1) (B). CFC2 will not succeed to the earnings and profits or the accumulated deficit in earnings and profits of CFC1.

**Example 2.** A U.S. parent owns all of the

stock of CFC1, which in turn owns all of the stock of CFC2. The U.S. parent also owns all of the stock of CFC3. CFC2 has accumulated earnings and profits or an accumulated deficit in earnings and profits. CFC3 acquires all of the assets of CFC1, including the stock of CFC2, in a reorganization described in section 368(a)(1)(D). CFC3 will not succeed to the earnings and profits or the accumulated deficit in earnings and profits of CFC2.

**PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976**

**Par. 6.** The authority for part 7 is revised to read as follows:

**Authority:** 26 U.S.C. 7805, unless otherwise stated.

Section 7.367 (b)-1 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-2 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-3 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-4 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-5 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-6 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-7 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-8 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-9 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-10 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-11 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-12 also issued under 26 U.S.C. 367 (b).

Section 7.367 (b)-13 also issued under 26 U.S.C. 367 (b).

**Par. 7.** Section 7.367(b)-2, paragraphs (d) and (f) are revised to read as follows:

**§ 7.367 (b)-2 Definitions.**

(d) *Section 1248 amount.* See § 1.367 (b)-2 (d) of this chapter.

(f) *All earnings and profits amount.* See § 1.367(b)-2(f) of this chapter.

**Par. 8.** Section 7.367(b)-7, paragraphs (c) (1) (ii) and (iii) are revised to read as follows:

**§ 7.367 (b)-7 Exchange of stock described in section 354.**

(c) \* \* \*

(1) \* \* \*

(ii) See § 1.367 (b)-7 (c) (1) (ii) of this chapter.

(iii) See § 1.367 (b)-7 (c) (1) (iii) of this chapter.

**Par. 9.** Section 7.367(b)-8, paragraph (c) (2) is revised to read as follows:

**§ 7.367 (b)-8 Transfer of assets by a foreign corporation in an exchange described in section 351.**

(c) \* \* \*

(2) See § 1.367(b)-8(c)(2) of this chapter.

**Par. 10.** Section 7.367(b)-9, paragraph (b)(4) is revised to read as follows:

**§ 7.367 (b)-9 Attribution of earnings and profits on an exchange described in section 351, 354, or 356.**

(b) \* \* \*

(4) See § 1.367(b)-9(b)(4) of this chapter.

David G. Blattner,  
*Acting Commissioner of Internal Revenue.*

Approved: January 17, 1992.

Kenneth W. Gideon,  
*Assistant Secretary of the Treasury.*  
[FR Doc. 92-4087 Filed 2-25-92; 8:45 am]  
BILLING CODE 4830-01-M

**DEPARTMENT OF EDUCATION**

**34 CFR Part 600**

RIN 1840-AB18

**Institutional Eligibility Under the Higher Education Act of 1965, as Amended**

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends 34 CFR part 600 to add the Office of Management and Budget (OMB) control number to § 600.30 of the regulations. This section contains information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved.

**EFFECTIVE DATE:** These regulations are effective on February 26, 1992.

**FOR FURTHER INFORMATION CONTACT:** Carol F. Sperry, Director, Division of Eligibility and Certification, U.S. Department of Education, 400 Maryland Avenue, SW., room 3030, Regional Office Building 3, Washington, DC 20202. Telephone: (202) 708-4906. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.



**SUPPLEMENTARY INFORMATION:** On July 31, 1991, final regulations for Institutional Eligibility under the Higher Education Act of 1965, as amended, were published in the Federal Register at 56 FR 36682. The effective date of § 600.30 of these regulations was delayed until information collection requirements contained in that section were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB has approved the information collection requirements, and that section of the regulations is now effective.

#### Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

#### List of Subjects in 34 CFR Part 600

Administrative practice and procedure, Colleges and universities, Education, Reporting and recordkeeping requirements, Student aid.

Dated: February 20, 1992.

Lamar Alexander,  
Secretary of Education.

The Secretary amends part 600 of title 34 of the Code of Federal Regulations as follows:

#### PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

1. The authority citation for part 600 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1094 and 1141, unless otherwise noted.

#### § 600.30 [Amended]

2. Section 600.30 is amended by adding the OMB control number at the end of the section to read as follows:

(Approved by the Office of Management and Budget under control number 1840-0098).

[FR Doc. 92-4399 Filed 2-25-92; 8:45 am]

BILLING CODE 4000-01-M

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Mailings of Nonidentical-Weight Pieces Paid by Precanceled or Meter Stamps—Documentation Requirements

**AGENCY:** Postal Service.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule adds Domestic Mail Manual (DMM) sections 143.134 through 143.137, and 144.114 through 144.147, to specify the basic requirements for use of precanceled or meter stamps (respectively) on nonidentical-weight pieces or when the denomination does not represent the full and exact postage for the mailpieces to which they are affixed. Generally, these interim regulations specify that if the precanceled or meter stamps used represent an amount other than the full and correct postage applicable to the piece, or are used in mailings of nonidentical-weight pieces, or are used in mailings where pieces qualify for different discounts or rates, the mailer will be required to provide documentation that describes the mailing, the various postage groups, the postage affixed to pieces in each group, and the additional postage due. Concurrent amendments for consistency are also made to DMM sections 382 and 661.

**DATES:** The interim rule will become effective March 9, 1992. Comments to be considered in formulating the final rule must be received on or before April 16, 1992.

**ADDRESSES:** Address all comments to the Director, Office of Classification and Rates Administration, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection between 9 a.m. and 4 p.m., Monday through Friday, in room 8430, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Leo F. Raymond, (202) 268-5199.

**SUPPLEMENTARY INFORMATION:** When making a mailing at any bulk or presort First-, third-, or fourth-class rate, the mailer must pay postage either through an advance deposit account (permit imprint) or by affixing meter postage or precanceled stamps. Working with the mailing statement and supporting documentation (if any) that accompanies the mail, postal employees examine the mailing, using weight verification when possible, to confirm that the mailer's claim for postage payment is accurate. The Postal Service debits the mailer's advance deposit

account to pay for permit imprint mailings, while postage-affixed mailings bear all or part of the correct postage in the form of the meter or precanceled stamp postage previously purchased by the mailer. Additional postage due for postage-affixed mailings is collected at the time of mailing by submission of additional meter or precanceled postage or by debit from an advance deposit account.

Weight verification is used when the mailing consists of identical-weight pieces. An average single-piece weight is computed based on a small sample, and that weight is divided into the net weight (gross less tare) of the whole mailing to determine the total number of mailpieces. This number must match the figure reported by the mailer on the mailing statement; discrepancies must be resolved before the mailing can be released.

Nonidentical-weight pieces cannot be verified by weight verification but rather require comparison of the mail to documentation supplied by the mailer in support of the mailing statement data. Typically, this involves isolation of a definable group of mail (e.g., for a single ZIP Code), counting the number of pieces physically present, subdivided as necessary by presort level or automation feature (such as a barcode), and comparing this to what the mailer claimed. The complexity of producing a large mailing has caused most mailers to use computers to manage address lists, mail presort, and documentation production. As a result, if the software is well-designed and properly employed, the physical production of the mailpiece is well-managed, and the overall mailing system is operated with reasonable quality controls, the data on the documentation supporting the mailing statement and the mailing itself will match exactly.

Mailings of permit imprint mail must be of identical-weight pieces unless a system has been specifically authorized by the Postal Service that includes the internal production controls that ensure accurate and reliable documentation. These "optional procedure" systems (as they were originally called) have evolved in recent years into many new forms, but all essentially do the same thing: allow verification of mail volume and postage through documentation provided by a mailer system in which the Postal Service has been able to gain a level of confidence.

At one time, mailings bearing meter postage typically were pieces that, regardless of weight, bore the correct postage. As meter users (predominantly First-Class mailers) began to produce



mailings in which pieces were commingled that were not only of different weights but different levels of postage eligibility, systems were developed by which documentation (not unlike that used for permit imprint mailings) was used to confirm the volume of mail and total postage due. Since most of that postage was already represented in the meter impressions on the mail, the consequence was to compute the additional postage due (i.e., the difference between the total amount already affixed and the actual total). Especially with systems like "Value-Added Refunds," the amount of postage represented in the meter impression on a mailpiece has become increasingly less reliable as an indicator of the rate for which it qualifies and the postage actually paid for it. This makes post-acceptance postage verification nearly impossible and pre-acceptance postage verification (by documentation) critical. Improvements in postage payment system requirements and supporting postal regulations have been directed in recent years toward this purpose, particularly for metered (and, as mentioned above, permit imprint) mailers who represent the overwhelming majority of bulk and presort mail volume.

The use of precanceled stamps was possible for nonidentical-weight mailings as well, and, since these stamps have approximately the same characteristics as meter impressions for postage representation, the problems thus presented for postage verification were similar. Mitigating this problem were two common characteristics: the usual precanceled stamp mailing was relatively small or of identical-weight pieces, and the variety of precanceled stamps was sufficient to provide the necessary denomination for most rates available to the mailer.

However, things change. Precanceled stamps have become more popular as a method of postage payment; mailings (including meter and precanceled stamp mailings) have become more complex in general, often combining pieces of different weight, presort levels, and chances for discount eligibility; and number of possible net rates (including presort, automation, and destination entry discounts) has multiplied; and the number of different denominations of precanceled postage has declined. In early 1990, the Postal Service initially expected that as few as two denominations (5- and 10-cent) would suffice, to be supplemented as necessary by additional postage payment at the time of mailing.

Concurrently, given the circumstantial emphasis placed on documentation and verification of the predominant (permit imprint or meter postage) payment methods, postal systems for postage payment, particularly postal regulations' requirements for documentation, failed to evolve to keep the requirements for precanceled stamps on a par with those of the other two postage payment methods.

Meter users have recently begun to emulate the use of precanceled stamps by affixing an amount of meter postage that is analogous to the value of current denominations of precanceled stamps. Typically, these metered and precanceled stamped pieces, bearing comparable values in postage, are commingled in the same mailing.

The sum of these factors has led to increasingly-common instances in which complex mailings are presented that contain non-identical-weight pieces bearing precanceled stamps, or meter stamps, or both; but, notwithstanding the obvious need for such evidence, no documentation is presented (or required) to support the data on the mailing statement. In turn, this seriously compromises the ability of postal personnel to verify the information on the mailing statement, and represents an ongoing potential revenue loss for the Postal Service.

This interim rule is intended to correct this situation by imposing basic documentation requirements for mailings of non-identical-weight pieces bearing precanceled or meter stamps that are functionally analogous to those for similar mailings paid by permit imprint, or that have already become widely adopted for ZIP + 4 and ZIP + 4 Barcoded rate mailings. The content and specifications for this documentation are relatively simple and straightforward, and require the mailer to report, by ZIP Code, the number of pieces in each rate (discount) category, the additional postage due per piece (i.e., the difference between the applicable rate and the amount affixed), and the total postage due for that group. Further subdivision is required by weight as appropriate to the class of mail when the pieces in the mailing are not of identical weight. Mailers will be required to submit full documentation, including a summary totaling the volume and postage figures previously itemized by ZIP Code, for at least five consecutive mailings. After that time, if the documentation has been found to be consistently reliable and accurate, the entry office postmaster may allow the mailer to submit only the summary data. This reduced obligation, or the

submission on summary data in electronic format, may continue so long as the documentation remains accurate.

The Postal Service believes that mailers currently mailing at the ZIP + 4 or ZIP + 4 Barcoded rates, or preparing permit imprint mailings of nonidentical-weight piece, or participating in the "Value-Added Refund" program, may already have the fundamental capability to produce the documentation described in this interim rule. Moreover, the software necessary for mailer systems to implement the requirements of the proposed rule may also be largely available or could be adapted from existing software with relative ease.

The Postal Service is confident of the need for documentation such as that described in this interim rule, and of the need to adopt such a requirement as soon as possible. Bearing that in mind, commenters are requested to address three issues: Whether and how the interim rule needs to be refined to yield better documentation; how it may be amended to simplify the mailer's data management tasks without compromising the integrity or value of the documentation to the Postal Service; and the earliest timeframe in which mailers' systems can be adapted to meet the requirements described in the rule.

Although exempt from the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Amend the Domestic Mail Manual as follows:

#### 140 Postage

\* \* \* \* \*

#### 143 PRECANCELED STAMPS

##### 143.1 General

\* \* \* \* \*

##### 143.13 Use of Precanceled Stamps

\* \* \* \* \*



**143.134 Amount of Postage**

*a. Exact Amount.* The value of the precanceled stamp(s) affixed to each mailpiece in a mailing must be the exact amount due for the piece, based on the applicable rate as reduced by any discounts, except as permitted by 143.134b-c. See 382 and 661.

*b. Overpayment.* Customers who use precanceled stamps to pay postage must not affix an amount in excess of the legal rate of postage. If that rate cannot be determined by the mailer at the time the postage is affixed (e.g., before presort, automation, or destination entry discounts can be determined), a refund for any overpayment is allowed only as provided by 147.42.

*c. Underpayment.* Subject to 382 (for First-Class Mail) and 661 (for third-class mail), customers may affix a value of precanceled stamps to each mailpiece to represent either the lowest rate in the mailing or another amount less than the full and correct rate if the mailer provides detailed documentation with the mailing as specified in 143.136 to describe the contents of the mailing and substantiate the additional postage due.

**143.135 Nonidentical-Weight Mailpieces**

Precanceled stamps may be used for payment of postage on mailings of nonidentical-weight pieces only if the mailer submits detailed documentation with the mailing as specified in 143.136 to describe the contents of the mailing and substantiate the amount of postage paid.

**143.136 Documentation**

*a. General.* The documentation described in 143.136b-e must be submitted whenever all pieces in a mailing bearing precanceled postage are not of identical weight or whenever one or more pieces in the mailing bear less postage than required for that piece at the rate (including all applicable discounts) for which it is eligible at the time of mailing.

*b. Documentation Required by Other Regulations.* Notwithstanding the requirements of this section, the mailer must also submit the documentation required by other applicable regulations. The information that must be provided under this section may be included in documentation required by other regulations (e.g., 364, 382, 560, 628, 661).

*c. Content of Documentation.* If not provided by the documentation required by other regulations (see 143.136b), the documentation must show for each 5-digit ZIP Code (for that portion of the mailing presorted to 5-digits) and each 3-digit ZIP Code prefix (for that portion of

the mailing not sorted to 5-digits) the number of pieces in each rate (discount) category, the additional postage due per piece, and the total postage for that 5- or 3-digit ZIP Code entry. If all pieces in the mailing are not of identical weight, the documentation must subdivide the number of pieces reported for each ZIP Code entry by weight increment (e.g., by 1-ounce increment for First-Class Mail, and by whether subject to the minimum per-piece rate or to piece/pound rates for third-class mail). The report must summarize for the entire mailing the total number of pieces in each rate category (and, within each, as further required for mailings of nonidentical-weight pieces), and the total additional postage due for the mailing.

*d. When to Submit.* The required documentation must be submitted by the mailer with the corresponding mailing and mailing statement, except as provided by 143.136e.

*e. Alternatives.* When the mailer has submitted accurate documentation for at least five consecutive mailings, the postmaster of the post office that verifies the documentation may allow the mailer to submit only the summary information required by 143.136c in place of the complete documentation otherwise specified. Mailers may also be authorized by the postmaster to submit the required information on electronic media (e.g., diskette). Permission to use these alternatives may be withdrawn at any time the postmaster determines is necessary to ensure the proper payment of postage.

**143.137 Markings and Endorsements**

Whether the stamps used by the mailer are precanceled by the mailer as provided by 143.173 or by the Postal Service, each mailpiece bearing precanceled postage must bear markings and endorsements required for the rate claimed or ancillary services requested.

\* \* \*

**144 POSTAGE METERS AND METER STAMPS****144.1 Postage Meters****144.11 Use of Meter Stamps**

\* \* \*

**144.114 Amount of Postage**

*a. Exact Amount.* The value of the meter stamps affixed to each mailpiece in a mailing must be the exact amount due for the piece, based on the applicable rate as reduced by any discounts, except as permitted by 144.114b-c. See 382 and 661.

*b. Overpayment.* Customers who use meter stamps to pay postage must not affix an amount in excess of the legal

rate of postage. If that rate cannot be determined by the mailer at the time the postage is affixed (e.g., before presort, automation, or destination entry discounts can be determined), a refund for any overpayment is allowed only as provided by 147.42.

*c. Underpayment.* Subject to 382 (for First-Class Mail) and 661 (for third-class mail), customers may affix a value of meter stamps to each mailpiece to represent either the lowest rate in the mailing or another amount less than the full and correct rate if the mailer provides detailed documentation with the mailing as specified in 144.116 to describe the contents of the mailing and substantiate the additional postage due.

**144.115 Nonidentical-Weight Mailpieces**

Meter stamps may be used for payment of postage on mailings of nonidentical-weight pieces only if the mailer submits detailed documentation with the mailing as specified in 144.116 to describe the contents of the mailing and substantiate the amount of postage paid.

**144.116 Documentation**

*a. General.* The documentation described in 144.116b-e must be submitted whenever all pieces in a mailing bearing meter postage are not of identical weight or whenever one or more pieces in the mailing bear less postage than required for that piece at the rate (including all applicable discounts) for which it is eligible at the time of mailing.

*b. Documentation Required by Other Regulations.* Notwithstanding the requirements of this section, the mailer must also submit the documentation required by other applicable regulations. The information that must be provided under this section may be included in documentation required by other regulations (e.g., 364, 382, 560, 628, 661).

*c. Content of Documentation.* If not provided by the documentation required by other regulations (see 144.116b), the documentation must show for each 5-digit ZIP Code (for that portion of the mailing presorted to 5-digits) and each 3-digit ZIP Code prefix (for that portion of the mailing not sorted to 5-digits) the number of pieces in each rate (discount) category, the additional postage due per piece, and the total postage for that 5- or 3-digit ZIP Code entry. If all pieces in the mailing are not of identical weight, the documentation must subdivide the number of pieces reported for each ZIP Code entry by weight increment (e.g., by 1-ounce increment for First-Class Mail,



and by whether subject to the minimum per-piece rate or to piece/pound rates for third-class mail). The report must summarize for the entire mailing the total number of pieces in each rate category (and, within each, as further required for mailings of nonidentical-weight pieces), and the total additional postage due for the mailing.

*d. When to Submit.* The required documentation must be submitted by the mailer with the corresponding mailing and mailing statement, except as provided by 144.116e.

*e. Alternatives.* When the mailer has submitted accurate documentation for at least five consecutive mailings, the postmaster of the post office that verifies the documentation may allow the mailer to submit only the summary information required by 144.116c in place of the complete documentation otherwise specified. Mailers may also be authorized by the postmaster to submit the required information on electronic media (e.g., diskette). Permission to use these alternatives may be withdrawn at any time the postmaster determines is necessary to ensure the proper payment of postage.

#### 144.117 Markings and Endorsements

Each mailpiece bearing meter postage must bear markings and endorsements required for the rate claimed or ancillary services requested.

#### 380 Payment of Postage

##### 381 SINGLE-PIECE RATES

###### 381.1 Method of Payment

[Add to the end of the existing text:] Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

##### 382 OTHER THAN SINGLE-PIECE RATES

###### 382.1 Method of Payment

[Add to the end of the existing text:] Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

###### 382.2 Exact Postage on Each Piece

###### 382.26 Precanceled or Meter Stamps

Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

#### 382.3 Postage at Lowest Rate in the Mailing Affixed to All Pieces in the Mailing

##### 382.31 Identical Pieces

[Redesignate 382.31a-f as 382.311-382.316, respectively, and 382.31d(1)-(3) as 382.314(a)-(c), respectively.]

##### 382.33 Nonidentical pieces at all ZIP + 4 Presort and ZIP + 4 Barcoded Rates

[Redesignate 382.33a-d as 382.331-382.334, respectively, and 382.33b(1)-(3) as 382.332(a)-(c), respectively.]

##### 382.34 Precanceled or Meter Stamps

Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

#### 382.4 Neither Lowest Rate Nor Correct Postage Affixed to Each Piece

[Redesignate 382.4a-c as 382.41-382.43, respectively.]

##### 382.44 Precanceled or Meter Stamps

Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

#### 660 Payment of Postage

##### 661 METHOD OF PAYMENT

###### 661.1 Single-Piece Mailings

[Add to the end of the existing text:] Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

###### 661.2 Bulk Mailings at the Basic Presort, 3/5 Presort, and Carrier Route Presort Rates

###### 661.21 Identical-Weight Pieces

\* \* \*

###### a. Meter Stamps

\* \* \*

(4) See 144 for additional information about the use of meter stamps.

b. *Precanceled Stamps or Precanceled Stamped Envelopes.* [Add to the end of the existing text:] Additional requirements for the use of precanceled stamps are set forth in 143.13.

\* \* \*

###### 661.22 Nonidentical-Weight Pieces

###### 661.221 Pound Rates

\* \* \*

b. *Meter Stamps.* [Add at the beginning of the first sentence:] Subject to the requirements of 144.11, \* \* \*

c. *Precanceled Stamps.* [Add at the beginning of the first sentence:] Subject to the requirements of 143.13, \* \* \*

\* \* \*

#### 661.224 Use of Precanceled or Meter Stamps

Requirements for use of precanceled or meter stamps are set forth in 143.13 and 144.11, respectively.

\* \* \*

#### 661.3 Bulk Mailings at the Basic ZIP + 4, 3/5 ZIP + 4, and ZIP + 4 Barcoded Rates

\* \* \*

#### 661.33 Precanceled Stamps or Precanceled Stamped Envelopes

[Revise the first two sentences as follows:] The requirements described in 661.32 are also generally applicable to mailings paid by precanceled stamp postage. Additional requirements for the use of precanceled stamps are set forth in 143.13. \* \* \*

\* \* \*

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the interim rule is permanently adopted.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-4323 Filed 2-25-92; 8:45 am]

BILLING CODE 7710-12-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 6924

[CA-940-4214-10; CACA 28927]

#### Withdrawal of Public Lands for Southern Portion of the Chocolate Mountains Aerial Gunnery Range, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order withdraws 135,198 acres of public lands from surface entry and mining for a period of 5 years for the Department of the Navy to protect the southern portion of the Chocolate Mountains Aerial Gunnery Range pending the processing of an Eagle Act withdrawal application. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** February 26, 1992.

**FOR FURTHER INFORMATION CONTACT:** Viola Andrade, BLM California State Office, 2800 Cottage Way, room E-2845, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and



Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the lands pending action on an Angle Act withdrawal application:

**San Bernardino Meridian**

- T. 9 S., R. 16 E.,  
Sec. 14, SW  $\frac{1}{4}$ NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and S  $\frac{1}{2}$ ;  
Secs. 22, 24, and 26;  
Sec. 28, E  $\frac{1}{2}$  and E  $\frac{1}{2}$ W  $\frac{1}{2}$ ;  
Sec. 34.
- T. 9 S., R. 17 E.,  
Sec. 20, S  $\frac{1}{2}$ NW  $\frac{1}{4}$ SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ SW  $\frac{1}{4}$ , W  $\frac{1}{2}$   
SE  $\frac{1}{4}$ SW  $\frac{1}{4}$ , and SE  $\frac{1}{4}$ SE  $\frac{1}{4}$ SW  $\frac{1}{4}$ ;  
Sec. 26;  
Sec. 28, NE  $\frac{1}{4}$ NE  $\frac{1}{4}$ , S  $\frac{1}{2}$ NE  $\frac{1}{4}$ , and S  $\frac{1}{2}$ ;  
Secs. 30, 32, and 34.
- T. 10 S., R. 15 E.,  
Sec. 22, SE  $\frac{1}{4}$ ;  
Secs. 24 and 26;  
Sec. 28, E  $\frac{1}{2}$  and SW  $\frac{1}{4}$ ;  
Sec. 34.
- T. 10 S., R. 16 E.,  
Secs. 2 and 4;  
Sec. 8, NE  $\frac{1}{4}$ , E  $\frac{1}{2}$ NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ NW  $\frac{1}{4}$ , and  
S  $\frac{1}{2}$ ;  
Secs. 10, 12, 14, 18, 20, 22, and 24;  
Sec. 25, S  $\frac{1}{2}$ SW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ SE  $\frac{1}{4}$ ;  
Secs. 26, 28, 30, 32, and 34.
- T. 10 S., R. 17 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26,  
28, 30, 32, and 34.
- T. 10 S., R. 18 E.,  
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34.
- T. 10 S., R. 19 E.,  
Sec. 32.
- T. 11 S., R. 15 E.,  
Secs. 2 and 12.
- T. 11 S., R. 16 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26,  
28, and 34.
- T. 11 S., R. 17 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26,  
28, 30, 32, and 34.
- T. 11 S., R. 18 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26,  
28, 30, 32, and 34.
- T. 11 S., R. 19 E.,  
Secs. 4, 6, 8, 10, 14, 18, 20, 22, 26, 28, 30, 32  
and 34.
- T. 12 S., R. 16 E.,  
Secs. 2 and 12.
- T. 12 S., R. 17 E.,  
Secs. 2, 4, 6, 8, 10, 12, 13, and 14;  
Sec. 15, S  $\frac{1}{2}$ ;  
Sec. 17, S  $\frac{1}{2}$ ;  
Secs. 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, and  
35.
- T. 12 S., R. 18 E.,  
Secs. 2, 4, 6, 8, 10, 12, 13, 14, 15, and 17;  
Secs. 18 to 35, inclusive.
- T. 12 S., R. 19 E.,  
Secs. 2, 4, 6, 8, and 10;  
Sec. 15, S  $\frac{1}{2}$ ;  
Sec. 17, S  $\frac{1}{2}$ ;  
Secs. 18 to 22, inclusive;  
Secs. 27 to 34, inclusive.
- T. 13 S., R. 18 E.,

Secs. 1 to 6, inclusive;

Sec. 8, E  $\frac{1}{2}$ ;

Secs. 9, 10, and 11.

T. 13 S., R. 19 E.,

Sec. 5, lots 1 to 10, inclusive;

Sec. 6, lots 1 to 10, inclusive.

The areas described aggregate 135,198 acres in Imperial County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. The United States Department of the Interior through the Bureau of Land Management retains the right to grant rights-of-way under title V of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761) (1988).

4. This withdrawal will expire 5 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: February 18, 1992.

**Dave O'Neal,**

*Assistant Secretary of the Interior.*

[FR Doc. 92-4301 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-40-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 89-120; RM-6701, RM-6999, RM-7000, and RM-7001]

### FM Radio Broadcasting Services; Northweye, Cuba, Waynesville, Lake Ozark, and Eldon, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission grants the request of Herrin Broadcasting, Inc. to allot Channel 274A (102.7 MHz) to Lake Ozark, Missouri as its first local aural service, pursuant to Notice of Proposed Rule Making and Order to Show Cause, 54 FR 26219, June 22, 1989. Channel 274A can be allotted to Lake Ozark in compliance with the Commission's minimum interstation distance separation requirements using a site location restricted to North Latitude 38-05-34 and West Longitude 92-34-18, which is 13.1 kilometers south of the city coordinates for Lake Ozark. The Commission denied the requests of CTC

Communications, Inc. to allot Channel 271A (102.1 MHz) to Northweye, Missouri; of Pulaski County Broadcasters, Inc. to upgrade its Station WJPW-FM, Waynesville, Missouri, on Channel 274C3; and of Lake Broadcasting, Inc. to upgrade its Station KBMX(FM), Eldon, Missouri, on Channel 270C1 (101.9 MHz), all of which were mutually exclusive with the proposed Lake Ozark allotment. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** April 6, 1992; the window period for filing applications for Channel 274A at Lake Ozark, Missouri will open on April 7, 1992 and close on May 7, 1992.

**FOR FURTHER INFORMATION CONTACT:**

J. Bertron Withers, Jr., Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 89-120, adopted February 7, 1992 and released February 20, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street NW., Washington, DC 20036.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by adding Channel 274A, Lake Ozark.

Federal Communications Commission.

**Andrew J. Rhodes,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-4279 Filed 2-25-92; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 641

### Reef Fish Fishery of the Gulf of Mexico

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of closure.



**SUMMARY:** NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has projected that the annual commercial quota for red snapper will be reached at noon, local time, February 22, 1992. This closure is necessary to protect the red snapper resource.

**EFFECTIVE DATES:** Closure is effective 12:01 p.m., local time, February 22, 1992, through December 31, 1992.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Sadler, 813-893-3161.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico was developed by the Gulf of Mexico Fishery Management Council under the authority of the Magnuson Fishery Conservation and Management Act, and is implemented by regulations at 50 CFR part 641. Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 2.04 million pounds for the current fishing year, January 1—December 31, 1992.

Under 50 CFR 641.26, NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notice in the *Federal Register*. Based on current statistics, NMFS has projected that the commercial quota of 2.04 million pounds for red snapper will be reached at noon, local time, February 22, 1992.

Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01 p.m., local time, February 22, 1992, through December 31, 1992, the end of the fishing year. A vessel with a valid reef fish permit having aboard red snapper must land and barter, trade, or sell such red snapper prior to 12:01 p.m., local time, February 22, 1992.

During the closure, the bag limit applies to all harvests of red snapper from the EEZ in the Gulf of Mexico. The daily bag limit for red snapper is seven per person. From 12:01 p.m., local time,

February 22, 1992, through December 31, 1992, the purchase, barter, trade, or sale of red snapper taken from the EEZ is prohibited. This prohibition does not apply to trade in red snapper that were harvested, landed, and bartered, traded, or sold prior to 12:01 p.m., local time, February 22, 1992, and were held in cold storage by a dealer or processor.

#### Other Matters

This action is required by 50 CFR 641.26 and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

#### List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 20, 1992.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-4352 Filed 2-21-92; 11:21 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 672

[Docket No. 911176-2018]

#### Groundfish of the Gulf of Alaska

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of prohibition of retention.

**SUMMARY:** NMFS is prohibiting further retention of shortraker/rougheye rockfish (SRRE) by vessels fishing in the Western Regulatory Area of the Gulf of Alaska (GOA) and is requiring that SRRE be treated in the same manner as a prohibited species and discarded. The intent of this action is to promote optimum use of groundfish while conserving SRRE stocks.

**EFFECTIVE DATES:** 12 noon, Alaska local time, (A.L.T.) February 21, 1992, through 12 midnight, A.L.T., December 31, 1992.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, Resource

Management Specialist, NMFS, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone of the GOA under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is the total allowable catch (TAC) as defined at §§ 672.20(a)(2) and 672.20(c)(1). The final notice of 1992 initial specifications of groundfish established the SRRE rockfish TAC in the Western Regulatory Area of the GOA at 100 metric tons (mt) (57 FR 2844, January 24, 1992).

Under § 672.20(c)(3), the Director, Alaska Region, NMFS, has determined that the TAC apportioned to the SRRE fishery in the Western Regulatory Area of the GOA will be reached by February 21, 1992. NMFS is publishing this notice in the *Federal Register*, declaring that SRRE rockfish is to be treated as a prohibited species and discarded under § 672.20(e) by vessels fishing in the Western Regulatory Area of the GOA after 12 noon A.L.T., February 21, 1992, through 12 midnight, A.L.T., December 31, 1992.

#### Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

#### List of Subjects in 50 CFR Part 672

Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 20, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-4353 Filed 2-21-92; 11:22 am]

BILLING CODE 3510-22-M



# Proposed Rules

Federal Register

Vol. 57, No. 38

Wednesday, February 26, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL RESERVE SYSTEM

### 12 CFR Parts 208 and 225

[Regulation H, Regulation Y; Docket No. R-0748]

#### Capital; Capital Adequacy Guidelines

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Proposed revisions to Capital Adequacy Guidelines.

**SUMMARY:** The Board is proposing to revise its capital adequacy guidelines for bank holding companies and state member banks to provide explicit guidance on the types of intangible assets that may be included in (i.e., not deducted from) the Tier 1 capital calculation for risk-based and leverage capital purposes. The proposal also includes limits and discounts that would be applicable to those intangibles proposed to be included in capital. The proposal, which was developed in conjunction with the staffs of the four federal financial institutions regulatory agencies, is aimed at achieving greater consistency among the agencies with respect to the capital treatment of intangible assets and is being released for public comment on a coordinated basis with these agencies. In addition, certain aspects of the proposal are intended to implement provisions of the Federal Deposit Insurance Corporation Improvement Act of 1991.

**DATES:** Comments on the proposed revisions to the Federal Reserve Board's risk-based capital guidelines and leverage capital guidelines should be submitted on or before March 27, 1992.

**ADDRESSES:** Comments, which should refer to Docket No. R-0748, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551; or delivered to room B-2223, Eccles Building, between 8:45 a.m. and 5:15 p.m. weekdays. Comments may be inspected in Room B-

1122 between 9 a.m. and 5 p.m. weekdays, except as provided in § 2612.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

#### FOR FURTHER INFORMATION CONTACT:

Roger H. Pugh, Manager (202/728-5883), Norah M. Barger, Supervisory Financial Analyst (202/452-2402), Charles H. Holm, Supervisory Financial Analyst (202/452-3502), Division of Banking Supervision and Regulation; and Scott G. Alvarez, Associate General Counsel (202/452-3583), Legal Division. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452-3544).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Board is proposing to revise the Federal Reserve's capital adequacy guidelines for bank holding companies and state member banks to provide explicit guidance on the types of intangible assets that may be included in (i.e., not deducted from) the Tier 1 capital calculation for risk-based and leverage capital purposes, and the limits and discounts that would be applicable to such intangibles includable in capital. Under the proposal, purchased mortgage servicing rights ("PMSRs")<sup>1</sup> and purchased credit card relationships ("PCCRs")<sup>2</sup> would be includable in the

<sup>1</sup> PMSRs are identifiable intangible assets associated with the right to service mortgage loans. PMSRs generally arise when an institution purchases such rights from another entity that originated the mortgage loans. An organization that acquires PMSRs has the obligation to collect principal and interest payments, and escrow amounts from the mortgagor, and insure that all amounts collected are passed on to the appropriate parties. In return for performing these functions, the servicer receives a fee, which is generally based on the remaining principal amount due on the mortgages being serviced.

<sup>2</sup> PCCRs are identifiable intangible assets associated with the right to provide future advances and other services to credit cardholders under credit card arrangements that have been originated by, and purchased from, another entity. PCCRs generally arise when a credit card portfolio is bought and the purchaser acquires the current advances outstanding under the credit card arrangements, which are tangible assets, as well as the right to provide future services to the cardholders, which is an intangible asset. The value of PCCRs derives from the anticipated profit the purchaser will earn from interest on future advances and from fees charged for other future credit card-related services, after covering expenses and other operating costs, such as credit losses.

Tier 1 capital computation provided that, in the aggregate, they do not exceed a limit of 50 percent of Tier 1 capital and provided that PCCRs do not exceed a sublimit of 25 percent of Tier 1. PMSRs and PCCRs in excess of these limits, as well as core deposit intangibles ("CDIs")<sup>3</sup> and all other intangible assets, would be deducted from the sum of the core capital elements in determining Tier 1 capital.

The proposal is based on a tentative agreement regarding the treatment of identifiable intangible assets reached by the staffs of the Federal Reserve, the Federal Deposit Insurance Corporation ("FDIC"), the Office of the Comptroller of the Currency ("OCC"), and the Office of Thrift Supervision ("OTS"). It is being released for public comment on a coordinated basis with these other agencies in order to achieve uniformity among the federal financial institutions regulatory agencies in the capital treatment of these assets in a manner that is consistent with the international capital standards (Basle Accord).<sup>4</sup>

The Basel Accord requires that banks deduct goodwill from their core capital elements in determining Tier 1 capital for risk-based capital purposes.<sup>5</sup> The

<sup>3</sup> CDIs are identifiable intangible assets associated with the value of the relatively low cost funding afforded by core depositor relationships (that is, certain nonbrokered retail deposits) acquired from another depository institution. CDIs generally arise when an organization purchases another depository institution or some of its branches and assumes the related deposit liabilities. The value of CDIs is based upon the assumption that the lower cost source of funds provided by core depositor relationships will continue to be available to the acquiring institution for a period of time after the acquisition.

<sup>4</sup> The Basel Accord is a risk-based capital framework that was proposed by the Basel Committee on Banking Regulations and Supervisory Practices and endorsed by the central bank governors of the Group of Ten (G-10) countries in July 1988. The Committee is comprised of representatives of the central banks and supervisory authorities from the G-10 countries (Belgium, Canada, France, Germany, Italy, Japan, Netherlands, Sweden, Switzerland, the United Kingdom, and the United States) and Luxembourg.

<sup>5</sup> The risk-based capital guidelines utilize the ratio of a banking organization's Tier 1 capital and Tier 2 capital to the organization's total on-balance sheet assets and off-balance sheet credit arrangements, adjusted for their relative risks. Tier 1 capital is composed of core capital elements such as common equity and qualifying perpetual preferred stock, while Tier 2 capital is composed of supplementary capital elements such as the allowance for loan and lease losses and subordinated debt.



Basle framework, which by its terms applies only to internationally active banks, was adopted by the Federal Reserve for all state member banks. The Board also chose to apply, generally on a consolidated basis, a risk-based capital framework similar to the Basel Accord to U.S. bank holding companies.<sup>6</sup> Under this framework, bank holding companies are also required to deduct goodwill from Tier 1 capital. Furthermore, the Board has adopted a leverage capital standard for state member banks and bank holding companies.<sup>7</sup> Since Tier 1 capital serves as the numerator of the leverage ratio, goodwill also is deducted from the core capital elements for purposes of the leverage standard.

The Basel Accord does not address the treatment of identifiable intangible assets, that is, intangible assets other than goodwill. Consequently, under the Basel framework, U.S. bank regulators have discretion in specifying the treatment of these other intangible assets. The basic approach taken by the Federal Reserve and the other U.S. federal financial institutions regulatory agencies in determining the treatment of identifiable intangible assets has been to evaluate them on the basis of the following criteria:

1. The reliability and predictability of any cash flows associated with the asset and the degree of certainty that can be achieved in periodically determining the asset's useful life and value;
2. The marketability of the asset, i.e., the existence of an active and liquid market; and
3. The salability of the asset, i.e., the feasibility of selling the asset apart from the financial institution or from the bulk of its assets.

All the agencies have determined that PMSRs generally meet these criteria and all allow such assets to be included in Tier 1 capital, subject to certain limits. The agencies currently differ on the extent to which other intangibles meet the criteria, and each follows somewhat different procedures regarding their treatment.

The FDIC and OCC fully deduct all intangibles other than PMSRs from Tier 1 capital. The Federal Reserve does not automatically deduct any identifiable intangible asset from Tier 1 capital, but determines the appropriateness of their inclusion in the calculation of an organization's capital position on a case-by-case basis. The Board has long

considered the level and quality of identifiable intangible assets in assessing the capital adequacy and overall asset quality of banking institutions since even those intangible assets that meet the above criteria usually contain a relatively high degree of risk. The OTS has concluded that, at least in some cases, certain other identifiable intangible assets (e.g., CDIs) may meet the three criteria and, therefore, has not required the deduction of some of these other identifiable intangible assets in calculating capital ratios.

All the agencies specify limits for the amount of intangibles that institutions can include in capital. The OCC permits PMSRs to account for up to 25 percent of Tier 1 capital. The OTS permits PMSRs to be included up to 50 percent of Tier 1 capital, and other qualifying intangibles (e.g., CDIs) are limited to 25 percent of Tier 1 capital. The FDIC permits PMSRs up to 50 percent of Tier 1 capital. Both the OTS and the FDIC impose certain valuation and discounting requirements on PMSRs included in capital. The Board's current risk-based capital guidelines indicated that while all intangible assets will be monitored, identifiable intangible assets in excess of 25 percent of Tier 1 capital are subject to particularly close scrutiny.

For some time, the agencies have been reviewing the capital treatment of identifiable intangible assets with the aim of developing greater uniformity among the agencies in the treatment of these assets for capital adequacy purposes. On the basis of this review, the Board is now proposing to issue for public comment revisions to its capital adequacy guidelines to provide explicit guidance on the types of intangible assets that may be included in capital, namely PMSRs and PCCRs, as well as specifications for appropriate limits on the amount of such assets that may be included within capital. The proposed revisions are based on a tentative agreement reached by the staffs of the four federal financial institutions supervisory agencies with respect to the regulatory capital treatment of intangible assets.

To the extent that PMSRs are determined to be includable in Tier 1 capital, the Federal Reserve is also proposing that these intangible assets be subject to certain valuation requirements that are consistent with provisions of the FDIC Improvement Act of 1991. In that regard, section 475 of the Act provides that the federal banking agencies determine the amount of PMSRs includable in the calculation of an institution's capital, if such servicing rights are valued at not more than 90

percent of their fair market value, and are reviewed at least on a quarterly basis. In addition, the Federal Reserve is proposing that institutions determine the fair market value and book value of PMSRs includable in capital in accordance with criteria already set forth in the current FDIC and OTS rules regarding these intangible assets. Since the calculation of the fair market value for PCCRs is at least as subjective as it is for PMSRs, the Federal Reserve is also proposing that PCCRs be subject to the same valuation requirements as PMSRs.

The proposed changes in the capital treatment of intangible assets would be incorporated into the capital ratios used for both examinations and applications purposes. Consistent with the Board's existing capital guidelines, however, the Board, may in certain cases, continue to evaluate an organization's tangible capital ratios (after deducting all intangibles) in assessing its overall capital adequacy, if warranted in the judgment of the Board.

## II. Proposal

The Board is proposing the following treatment for identifiable intangible assets for purposes of the risk-based and leverage capital guidelines:

1. PMSRs and PCCRs would be considered qualifying intangible assets. As such, they would not have to be deducted from capital provided that, in the aggregate, they do not exceed 50 percent of Tier 1 capital and provided that PCCRs do not exceed a sublimit of 25 percent of Tier 1 capital. PMSRs and PCCRs in excess of these limits would be deducted from the core capital elements in determining Tier 1 capital.<sup>8</sup>

2. The limits on PMSRs and PCCRs would be based on a percentage of Tier 1 capital before excess holdings of these assets are deducted, but after goodwill and all other nonqualifying identifiable intangible assets (e.g., CDIs) are deducted.

3. Institutions would be required to determine the fair market value and to review the book value of their PMSRs and PCCRs at least quarterly. Banking organizations that wish to include these assets in capital would not be able to carry them for regulatory reporting

<sup>6</sup> For bank holding companies with consolidated assets of less than \$150 million, the risk-based capital guidelines generally are applied on a bank-only basis.

<sup>7</sup> The leverage capital guidelines utilize a ratio of the banking organization's Tier 1 capital elements to its total on-balance sheet assets.

<sup>8</sup> PMSRs and PCCRs that are included in (that is, are not deducted from) capital would be included in the calculation of total risk-weighted assets at a risk weight of 100 percent for risk-based capital purposes and would be included in total average assets for leverage capital purposes. PMSRs and PCCRs that are not included in (that is, are deducted from) capital would not be included in the calculation of total risk-weighted assets for risk-based capital purposes and would be deducted from total average assets for leverage capital purposes.



purposes at a book value that exceeds the discounted value of their estimated future net cash flows.

4. For purposes of calculating Tier 1 capital, the amount of PMSRs and PCCRs an organization could include in capital could not exceed the lesser of 90 percent of the fair market value of the assets, 90 percent of their original purchase price, or 100 percent of their remaining unamortized book value.

5. CDIs and all other identifiable intangible assets would be deducted from the core capital elements for purposes of calculating an institution's Tier 1 capital, just as goodwill, in accordance with the Basle Accord, is deducted.<sup>9</sup>

#### *Including and Limiting PMSRs and PCCRs Within Capital*

The Board believes that PMSRs and PCCRs for the most part meet the three criteria the agencies use to evaluate identifiable intangible assets, as outlined in the previous section. Thus, provided that these assets do not exceed specified limits, they generally would not be deducted for purposes of calculating the risk-based and leverage capital ratios.

With regard to the two criteria that pertain to the marketability and salability of intangible assets, the Board believes that markets exist for PMSRs and PCCRs that permit their sale within a relatively short period of time apart from the sale of the banking organization or the bulk of its assets. The Board, however, is proposing to limit the amount of PMSRs and PCCRs includable in capital because of the characteristics of these assets and of the markets in which they are traded.

The market value estimate of PMSRs is based in important part upon expectations about the rate at which the underlying mortgages will prepay. Unexpected and relatively sharp changes in the level of interest rates can cause actual prepayment rates to differ substantially from projected prepayment rates. As a consequence, cash flows generated by PMSRs can vary unpredictably which, in turn, can cause the market value of these assets to change sharply. For example, if interest rates fall to a lower level than expected, a higher than anticipated number of mortgagors may pay off their mortgages in order to refinance their properties at a lower interest rate. When a mortgage is

paid off early, the previously anticipated cash flows will no longer be received, and so the servicing right associated with that mortgage becomes valueless. Consequently, if the actual prepayment rate exceeds the expected prepayment rate for a pool of mortgages, the cash flow received from servicing those mortgages and, thus, the market value of the PMSRs associated with that pool, can be greatly reduced. Conversely, if interest rates increase more than anticipated, there may be fewer prepayments than were originally projected. In this case, the related PMSRs may generate greater cash flows than were foreseen at the time of purchase and their value may increase.

The cash flows and values of PMSRs are also affected by the credit quality and operating risks associated with these assets. The servicer is generally obligated to provide a steady cash flow to the owner of the mortgage and undertake normal collection efforts and foreclosure. The costs of fulfilling these obligations when a mortgage becomes delinquent can cause a significant increase in the servicer's collection and administrative expenses, narrowing profit margins. In addition, under some arrangements, known as "recourse" servicing arrangements, the institution that has acquired the PMSRs not only services the loans, but also guarantees their repayment. Such arrangements introduce another level of complexity and uncertainty to the valuation of PMSRs.

The values and cash flows associated with PCCRs, like those associated with PMSRs, are affected by changes in interest rates and credit quality factors. The value and cash flows also can be significantly affected by the amount of future borrowings under credit card lines of credit; the attrition rate (i.e., the rate at which credit cardholders terminate their relationships), which can be accelerated if the bank fails to offer competitive terms and features; and other factors.

The markets for PMSRs and PCCRs are far from perfect. The market for PMSRs is more active and liquid than for PCCRs, but neither approaches a trading volume necessary to qualify as liquid markets. This is reflected in the relatively wide bid/ask spreads quoted by the firms that make markets in PMSRs. Trading in the market for PCCRs is even more infrequent and transactions are customized so that readily available bid/ask quotes are not obtainable. It is possible to sell both types of assets without the delays characteristic of highly imperfect markets, but sales, particularly for

PCCRs can take some time and, setting aside potential fluctuations in interest rate or other changes that affect the quality of these assets, there is, given the imperfection of the market, a considerable range of uncertainty concerning the price at which a transaction will occur.

Given the volatility of the cash flows and market values associated with PMSRs and PCCRs, the Board is proposing that the aggregate amount of such assets includable in capital be limited to 50 percent of Tier 1 capital. Furthermore, since estimating the value of PCCRs involves even more assumptions than are required to estimate the value of PMSRs, and the market for PCCRs is less mature and less liquid than the market for PMSRs, the Board is proposing that PCCRs be subject to a separate sublimit of 25 percent of Tier 1 capital. During the period in which this proposal is out for public comment, the Board believes that it would be inadvisable for a banking organization to acquire intangible assets in an amount that would cause its total holdings of identifiable intangible assets, including PMSRs and PCCRs, to exceed 25 percent of Tier 1 capital.

In order to provide for a simple method of calculating these limits, the Board is proposing that the limits be based on a percentage of Tier 1 capital before excess holdings of these assets are deducted, that is, the sum of core capital elements (e.g., common equity and qualifying perpetual preferred stock) less goodwill and other nonqualifying intangible assets. This method of calculation, however, could result in the inclusion in capital of PMSRs and PCCRs in an amount greater than 50 percent, and of PCCRs in an amount greater than 25 percent, of Tier 1 capital net of goodwill, other nonqualifying intangible assets, and deductible amounts of PMSRs and PCCRs. Thus, it would be possible for an institution to report positive Tier 1 capital even though its PMSRs and PCCRs exceed the sum of its core capital elements. Accordingly, the Board is proposing to add cautionary language to its capital adequacy guidelines regarding excessive holdings of intangible assets included in capital, which may be viewed as an unsafe and unsound practice.

#### *Valuation of PMSRs and PCCRs*

Section 475 of the FDIC Improvement Act of 1991 provides that the federal banking agencies shall determine the amount of PMSRs includable in the calculation of an institution's capital, if such servicing rights are valued at not

<sup>9</sup> Like goodwill, CDIs and all other intangible assets not includable in capital would not be included in the calculation of total risk-weighted assets for risk-based capital purposes and would be deducted from average total assets for leverage capital purposes.



more than 90 percent of their fair market value, and reviewed at least on a quarterly basis. At present, the FDIC and OTS rules regarding PMSRs require institutions to determine the fair market value of these assets by applying an appropriate market discount rate to the net servicing cash flows, taking into account any significant changes in original valuation assumptions such as prepayment estimates. The FDIC and OTS rules also contain certain requirements with regard to the determination of the book value of PMSRs, which is to be reviewed quarterly. Under these rules, if an institution wishes to include PMSRs assets in regulatory capital, the book value of these assets may not exceed the discounted amount of their estimated future net servicing income.

In order to implement section 475 and in the interest of achieving consistency in the treatment of intangible assets among the agencies, the Board is proposing to require institutions to determine the fair market value and the book value of PMSRs included in capital at least quarterly in accordance with the criteria established by the FDIC and the OTS in their rules regarding PMSRs. If an institution wishes to include such assets in capital, the amount of these assets carried on the balance sheet for regulatory reporting purposes may not exceed the discounted amount of their estimated future net cash flows. The discount rate used for the calculation of book value should not be less than that derived at the time of acquisition, based upon the estimated net cash flows and the price paid for the asset at the time of purchase.

In addition, and consistent with the provisions of section 475, the Board is proposing to use the discounting approach currently employed by the FDIC and the OTS for state nonmember banks and savings associations. Under this approach, for purposes of calculating Tier 1 capital, the amount of PMSRs and PCCRs that an institution could include in capital would be the lesser of:

- (i) 90 percent of their fair market value; or
- (ii) 90 percent of the original purchase price paid for the assets; or
- (iii) 100 percent of their remaining unamortized book value. If both the application of the limit on PMSRs and the adjustment of the balance sheet asset for PMSRs would result in an amount being deducted from capital, the banking organization would deduct only the greater of the two amounts from the sum of its core capital elements in determining Tier 1 capital.

As indicated earlier, the calculation of the fair market value for PCCRs is considered to be at least as subjective as the related calculation is for PMSRs. Consequently, the Board believes the valuation of PCCRs should be subject to the same requirements as those proposed for PMSRs and that these assets should also be discounted. In order to maintain consistency in the valuation of identifiable intangibles included in capital, the Board is proposing that organizations be required to determine the fair market and book value of their PCCRs at least quarterly, using the same criteria as those proposed for PMSRs, and to subject these assets to a value adjustment identical to that proposed for PMSRs.

#### *Deduction of CDIs*

The proposal would require a full deduction of other identifiable intangible assets, including CDIs, from Tier 1 capital, which is the same treatment as that accorded to goodwill. This treatment reflects the Board's general conclusion that CDIs have many of the same characteristics as goodwill, which the Basle Accord requires to be deducted from capital.

Although CDIs have value when an organization is financially strong, their value tends to fall significantly when the organization experiences financial difficulty. Depositors who are concerned about the viability of a problem institution are more likely to withdraw their funds, thus diminishing core deposits and the value of the related intangible asset. Moreover, a troubled institution may be required to raise the interest rates on its core deposits along with other sources of funds in order to retain depositors, which in turn can also reduce the value of CDIs. Thus, CDIs provide little protection for an institution in times of stress or for the bank insurance fund if the institution fails. This lack of protection has been evident in closed and assisted transactions handled by the FDIC and the Resolution Trust Corporation ("RTC") where the amount of the premium received on deposit transfer transactions is typically very low.

Moreover, CDIs generally are not purchased apart from the acquisition of a depository institution or one or more branches of a depository institution. Accordingly, CDIs are generally more closely tied to an institution's operations than are its other assets, including the intangibles the Board is proposing to include in capital on a limited basis. This consideration is particularly relevant for an institution experiencing difficulties. When CDIs are sold, of necessity deposit balances must be

assumed in connection with the acquisition of deposit account relationships and assets of an amount essentially equivalent to the sum of the deposit balances assumed must be passed to the purchaser. The acquirer ordinarily is only willing to accept high quality assets. Thus, an institution experiencing problems would, if it wished to sell its CDIs, have to give up high quality, relatively liquid assets at a time at which it could be vulnerable to liquidity pressures. In short, CDIs have clear shortcomings relative even to the other identifiable intangible assets, which are proposed to be counted in capital on a limited basis. Furthermore, CDIs are often acquired in a merger along with goodwill. Thus, if CDIs were not deducted from capital, institutions would have an incentive to assign higher amounts of the acquisition cost to CDIs rather than to goodwill.

Active and liquid markets do not exist for CDIs. As a result, their value is derived on the basis of many highly subjective assumptions, which may be difficult for examiners to assess. Such assumptions include the length of time acquired deposits may remain with the acquiring organization, the expected future interest rate on funds generated by the deposits or on alternative sources of funds, and the expected future interest rate and servicing costs on the core deposits.

The Board has not determined that other identifiable intangibles meet the three criteria discussed above that the Board uses to evaluate intangible costs. Accordingly, the Board is proposing to deduct all intangible assets other than PMSRs and PCCRs from Tier 1 for purposes of calculating risk-based and leverage capital ratios.

#### *Questions for Comment*

While the Board is seeking public comment on all aspects of its proposal on the capital treatment of identifiable intangible assets, it seeks specific comment on the following questions.

- (1) Taking into account the provisions of section 475 of the FDIC Improvement Act of 1991, as well as the current requirements of the FDIC and the OTS with regard to the treatment of these intangible assets proposed to be included in capital, are the approaches proposed for the valuation and discounting of PMSRs and PCCRs appropriate? For example, could a more accurate fair market value for PMSRs and PCCRs be determined by reviewing the prices at which similar assets have sold recently in the market rather than by using the present value of their cash flows as proposed?



(2) How has the large level of mortgage refinancings that have occurred recently affected the market for, and values of, PMSRs? In this regard, commenters are encouraged to provide general market information on PMSRs, as well as other identifiable intangible assets, including the amount of such assets sold and changes in their market value.

(3) Commenters are also encouraged to provide information on the reasons for which banking organizations buy PMSRs, such as for servicing income or for interest rate risk management. Comments are also requested on whether it would be appropriate to limit a banking organization's involvement in PMSRs in relation to its demonstrated ability to incorporate the associated prepayment risk within the organization's overall interest rate risk management system.

(4) Although the proposal does not address the capital treatment of excess servicing rights, these assets carry many of the same risks as PMSRs. Comment therefore is requested on how excess servicing rights should be treated for capital purposes and whether they should be subject to the same limitations as PMSRs.

### III. Regulatory Flexibility Act Analysis

The Federal Reserve Board does not believe adoption of this proposal would have a significant economic impact on a substantial number of small entities (in this case, small banking organizations), in accord with the spirit and purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In this regard, the vast majority of small banking organizations have very limited amounts of identifiable intangible assets, which are the subject of this proposal, as a component of their capital structures. In addition, because the risk-based and leverage capital guidelines generally do not apply to bank holding companies with consolidated assets of less than \$150 million, this proposal will not affect such companies.

### List of Subjects

#### 12 CFR Part 208

Accounting, Agricultural loan losses, Applications, Appraisals, Banks, Banking, Branches, Capital adequacy, Confidential business information, Currency, Dividend payments, Federal Reserve System, Flood insurance, Publication of reports of condition, Reporting and recordkeeping requirements, Securities, State member banks.

#### 12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, banking, Capital adequacy, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities, State member banks.

For the reasons set forth in this notice, and pursuant to the Board's authority under section 5(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(b)), and section 910 of the International Lending Supervision Act of 1983 (12 U.S.C. 3909), the Board is amending 12 CFR parts 208 and 225 to read as follows:

### PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. The authority citation for part 208 continues to read as follows:

**Authority:** Sections 9, 11(a), 11(c), 19, 21, 25, and 25(a) of the Federal Reserve Act, as amended (12 U.S.C. 321–338, 248(a), 248(c), 461, 481–486, 601, and 611, respectively); sections 4 and 13(j) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1814 and 1823(j), respectively); section 7(a) of the International Banking Act of 1978 (12 U.S.C. 3105); sections 907–910 of the International Lending Supervision Act of 1983 (12 U.S.C. 3906–3909); sections 2, 12(b), 12(g), 12(i), 15B(c)(5), 17, 17A, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78b, 78(b), 78(g), 78(i), 78o–4(c)(5), 78q, 78q–1, and 78w, respectively); section 5155 of the Revised Statutes (12 U.S.C. 36) as amended by the McFadden Act of 1927; and sections 1101–1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3310 and 3331–3351).

2. Appendix A to part 208 is amended by removing the first three paragraphs of II.B.1.b. and replacing them with seven new paragraphs, to read as follows:

#### Appendix A to Part 208—Capital Adequacy Guidelines for State Member Banks: Risk-Based Measure

- \* \* \*
- II. \* \* \*
- A. \* \* \*
- B. \* \* \*
- 1. a. \* \* \*

b. *Other intangible assets.* In determining the appropriateness of including particular types of intangible assets other than goodwill, that is, identifiable intangible assets, in a bank's capital calculation, the Federal Reserve considers a number of factors, including—

(1) the degree to which the intangible asset has a readily identifiable, predictable, and reliable stream of cash flows and the degree of certainty that the asset will hold this market value notwithstanding the future prospects of the bank;

(2) the existence of an active and liquid market for the intangible asset; and

(3) the ability to sell the intangible asset separate and apart from the bank or from the bulk of the bank's assets.

The Federal Reserve has determined that readily marketable purchased mortgage servicing rights and purchased credit card relationships generally meet these three criteria and, thus, may be included in (that is, not deducted from) a bank's capital, provided that, in the aggregate, the total amount of these assets included in capital does not exceed 50 percent of tier 1 capital. Purchased credit card relationships are subject to a separate sublimit of 25 percent of tier 1 capital. Amounts of purchased mortgage servicing rights and purchased credit card relationships in excess of these limitations, as well as all other identifiable intangible assets, including core deposit intangibles and favorable leaseholds, are to be deducted from a bank's core capital elements in determining tier 1 capital.

For purposes of calculating these limitations, tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships. This method of calculation could result in the inclusion in capital of purchased mortgage servicing rights and purchased credit card relationships in an amount greater than 50 percent, and of purchased credit card relationships in an amount greater than 25 percent, of the amount of tier 1 capital used to calculate an institution's capital ratios. In such instances, the Federal Reserve may determine that a bank is operating in an unsafe and unsound manner because of overreliance on intangible assets in tier 1 capital.

Banks must determine the fair market value of intangible assets included in tier 1 capital at least quarterly. The quarterly determination of the fair market value of these intangible assets shall include adjustments for any significant changes in original valuation assumptions, including changes in prepayment estimates or account attrition rates. The valuation shall be based on an analysis of the current fair market value of the intangible assets, determined by applying an appropriate market discount rate to the expected net cash flows.

Banks must review the book value of intangible assets included in tier 1 capital at least quarterly and make adjustments to these values as necessary. If a bank wishes to include these intangible assets in tier 1 capital, the amount of these assets carried on the balance sheet for regulatory reporting purposes may not exceed the discounted amount of their estimated future net cash flows. At no time should the discount rate used for this calculation be less than that derived at the time of acquisition, based upon the estimated future net cash flows and the original purchase price paid for the asset at the time of purchase. If unanticipated prepayments, account attrition, or other events occur that would reduce the amount of expected future net cash flows from the asset, a writedown of the book value of the



intangible asset should be made to the extent that the discounted amount of future net cash flows is less than the asset's carrying amount. Examiners will review both the book value and the fair market value assigned to these assets, together with supporting documentation, during the examination process.

While a bank that wishes to include purchased mortgage servicing rights and purchased credit card relationships in capital must carry them at a book value that does not exceed the discounted amount of their estimated future net cash flows, for purposes of calculating tier 1 capital, the amount of these assets that may be included in capital shall be the lesser of:

- (1) 90 percent of their fair market value, as determined in accordance with this section;
- (2) 90 percent of the original purchase price paid for the assets; or
- (3) 100 percent of their remaining unamortized book value, as determined in accordance with this section.

If both the application of the limits on purchased mortgage servicing rights and purchased credit card relationships and the adjustment of the balance sheet amount for these intangibles would result in an amount being deducted from capital, the bank would deduct only the greater of the two amounts from its core capital elements in determining tier 1 capital.

Whenever necessary—in particular, when assessing applications to expand or to engage in other activities that could entail unusual or higher-than-normal risks—the Board will, on a case-by-case basis, continue to consider the level of an individual bank's tangible capital ratios (after deducting all intangible assets), together with the quality and value of the bank's tangible and intangible assets, in making an overall assessment of capital adequacy.

2. Appendix B to part 208 is amended by revising footnote 2 and revising the last sentence of the second paragraph in II., to read as follows:

**Appendix B to Part 208—Capital Adequacy Guidelines for State Member Banks: Tier 1 Leverage Measure**

<sup>2</sup> At the end of 1992, Tier 1 capital for state member banks includes common equity, minority interests in the equity accounts of consolidated subsidiaries, and qualifying noncumulative perpetual preferred stock. In addition, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; and all other intangible assets. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

II. . . .  
Average total consolidated assets are defined as the quarterly average total assets

(defined net of the allowance for loan and lease losses) reported on the bank's Reports of Condition and Income ("Call Report"), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; and any investments in subsidiaries or associated companies that the Federal Reserve determines should be deducted from Tier 1 capital.<sup>3</sup>

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL**

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1843(c)(8), 1844(b), 3103, 3108, 3907, 3909, 3310, and 3331–3351.

2. Appendix A to part 225 is amended by removing the first three paragraphs of II.B.1.b. and replacing them with seven new paragraphs, to read as follows:

**Appendix A to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Risk-Based Measure**

- II. . . .  
A. . . .  
B. . . .  
1.a. . . .  
b. *Other intangible assets.* In determining the appropriateness of including particular types of intangible assets other than goodwill, that is, identifiable intangible assets, in a bank holding company's capital calculation, the Federal Reserve considers a number of factors, including—  
(1) the degree to which the intangible asset has a readily identifiable, predictable, and reliable stream of cash flows and the degree of certainty that the asset will hold this market value notwithstanding the future prospects of the banking organization;  
(2) the existence of an active and liquid market for the intangible asset; and  
(3) the ability to sell the intangible asset separate and apart from the banking organization or from the bulk of the organization's assets.

The Federal Reserve has determined that readily marketable purchased mortgage servicing rights and purchased credit card relationships generally meet these three criteria and, thus, may be included in (that is, not deducted from) a bank holding company's capital, provided that, in the aggregate, the total amount of these assets included in capital does not exceed 50 percent of tier 1 capital. Purchased credit card relationships are subject to a separate sublimit of 25

<sup>3</sup> Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B. of Appendix A to this Part.

percent of tier 1 capital. Amounts of purchased mortgage servicing rights and purchased credit card relationships in excess of these limitations, as well as all other identifiable intangible assets, including core deposit intangibles and favorable leaseholds, are to be deducted from a banking organization's core capital elements in determining tier 1 capital.

For purposes of calculating these limitations, tier 1 capital is defined as the sum of core capital elements, net of goodwill and all identifiable intangible assets other than purchased mortgage servicing rights and purchased credit card relationships. This method of calculation could result in the inclusion in capital of purchased mortgage servicing rights and purchased credit card relationships in an amount greater than 50 percent, and of purchased credit card relationships in an amount greater than 25 percent, of the amount of tier 1 capital used to calculate a banking organization's capital ratios. In such instances, the Federal Reserve may determine that a banking organization is operating in an unsafe and unsound manner because of overreliance on intangible assets in tier 1 capital.

Banking organizations must determine the fair market value of intangible assets included in tier 1 capital at least quarterly. The quarterly determination of the fair market value of these intangible assets shall include adjustments for any significant changes in original valuation assumptions, including changes in prepayment estimates or account attrition rates. The valuation shall be based on an analysis of the current fair market value of the intangible assets, determined by applying an appropriate market discount rate to the expected net cash flows.

Banking organizations must review the book value of intangible assets included in tier 1 capital at least quarterly and make adjustments to these values as necessary. If a banking organization wishes to include these intangible assets in tier 1 capital, the amount of these assets carried on the balance sheet for regulatory reporting purposes may not exceed the discounted amount of their estimated future net cash flows. At no time should the discount rate used for this calculation be less than that derived at the time of acquisition, based upon the estimated future net cash flows and the original purchase price paid for the asset at the time of purchase. If unanticipated prepayments, account attrition, or other events occur that would reduce the amount of expected future net cash flows from the asset, a writedown of the book value of the intangible asset should be made to the extent that the discounted amount of future net cash flows is less than the asset's carrying amount. Examiners will review both the book value and the fair market value assigned to these assets, together with supporting documentation, during the inspection process.

While a banking organization that wishes to include purchased mortgage servicing rights and purchased credit card relationships in capital must carry them at a book value that does not exceed the discounted amount of their estimated future



net cash flows, for purposes of calculating tier 1 capital, the amount of these assets that may be included in capital shall be the lesser of:

- (1) 90 percent of their fair market value, as determined in accordance with this section;
- (2) 90 percent of the original purchase price paid for the assets; or
- (3) 100 percent of their remaining unamortized book value, as determined in accordance with this section.

If both the application of the limits on purchased mortgage servicing rights and purchased credit card relationships and the adjustment of the balance sheet amount for these intangibles would result in an amount being deducted from capital, the banking organization would deduct only the greater of the two amounts from its core capital elements in determining tier 1 capital.

Whenever necessary—in particular, when assessing applications to expand or to engage in other activities that could entail unusual or higher-than-normal risks—the Board will, on a case-by-case basis, continue to consider the level of an individual banking organization's tangible capital ratios (after deducting all intangible assets), together with the quality and value of the organization's tangible and intangible assets, in making an overall assessment of capital adequacy.

2. Appendix D to part 225 is amended by revising the last two sentences in footnote 3 and revising the last sentence of the second paragraph in II., to read as follows:

**Appendix D to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Tier 1 Leverage Measure**

\* \* \* In addition, Tier 1 capital excludes goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, exceed 50 percent of Tier 1 capital; amounts of purchased credit card relationships that exceed 25 percent of Tier 1 capital; and all other intangible assets. The Federal Reserve may exclude certain investments in subsidiaries or associated companies as appropriate.

**II. \* \* \***

\* \* \* Average total consolidated assets are defined as the quarterly average total assets (defined net of the allowance for loan and lease losses) reported on the banking organization's Consolidated Financial Statements ("FR Y-9C Report"), less goodwill; amounts of purchased mortgage servicing rights and purchased credit card relationships that, in the aggregate, are in excess of 50 percent of Tier 1 capital; amounts of purchased credit card relationships in excess of 25 percent of Tier 1 capital; all other intangible assets; and any investments in subsidiaries or associated

companies that the Federal Reserve determines should be deducted from Tier 1 capital.\*

\* \* \* \* \*

Board of Governors of the Federal Reserve System, February 18, 1992.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 92-4127 Filed 2-25-92; 8:45 am]

BILLING CODE 6210-01-M

**SMALL BUSINESS ADMINISTRATION**

**13 CFR Part 121**

**Small Business Size Regulations; Waiver of the Nonmanufacturer Rule**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of intent to waive the "Nonmanufacturer Rule" for garden tractors and lawn mowers (powered), pneumatic aircraft tires, and xerographic printing paper.

**SUMMARY:** This notice advises the public that the Small Business Administration (SBA) is considering a waiver of the "Nonmanufacturer Rule" for garden tractors and lawn mowers (powered), pneumatic aircraft tires, and xerographic printing paper. An initial SBA survey could not identify any small business manufacturers or processors for these classes of products available to participate in the Federal procurement market. The effect of a waiver would be to allow an otherwise qualified small business regular dealer to supply the product of any domestic manufacturer or processor on a Federal contract set aside for small business or awarded through the SBA 8(a) program. SBA therefore now proposes to waive the Nonmanufacturer Rule for these classes of products. The basis for a waiver is that no small business manufacturers or processors are available to participate in the Federal Government for these classes of products. This notice is to solicit small manufacturing or processing sources.

**DATES:** Comments must be submitted on or before March 12, 1992. If granted, the waivers will be effective immediately upon publication of the final waiver.

**ADDRESSES:** Comments should be addressed to: Mr. Robert J. Moffitt, Chairman, Size Policy Board, Small Business Administration, 409 Third St., SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** James Parker, Procurement Analyst, phone (703) 695-2435.

\* Deductions from Tier 1 capital and other adjustments are discussed more fully in section II.B of appendix A to this part.

**SUPPLEMENTARY INFORMATION:** On November 15, 1988, section 303(h) of Public Law 100-656 incorporated into the Small Business Act the existing SBA policy that small businesses who are other than the actual manufacturers (nonmanufacturers) must supply products manufactured or processed by small businesses on set-aside or 8(a) contracts. This requirement is commonly known as the "Nonmanufacturer Rule". The SBA regulations imposing this requirement are found in 13 CFR 121.906(b) and 121.1106(b). The law also provided for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors "in the Federal market". Section 210 of Public Law 101-574 further amended the Small Business Act to allow that SBA may waive the rule if there are no small businesses "available to participate in the Federal procurement market". To be considered available to participate in the Federal procurement market, a small business must have been awarded a contract for that class of product by the Federal government, provided the product to the Government through a dealer, or offered on a solicitation for that class of product within the past twenty four months from the date of request for waiver. SBA has been requested to issue a waiver for each of the classes of products listed above because of an apparent lack of available small business manufacturers or processors within the Federal procurement market. SBA searched its Procurement Automated Source System (PASS) for small business manufacturers or processors available to participate in the Federal procurement market. Because no small business manufacturers or processors were identified as available to participate in the Federal procurement market, we state by this notice to the public in the Federal Register our proposed intention to grant waivers for these products unless small business manufacturers or processors are identified.

SIC*	PSC**	Class of product
2621	7530	Xerographic printing paper.
3524	3750	Garden tractors and lawn mowers (powered).
5014	2620	Pneumatic aircraft tires.

\*Standard Industrial Classification.

\*\*Product and Service Code.

The public is invited to submit comments or supply information identifying small business



manufacturers or processors for these classes of products.

Dated: February 19, 1992.

Gene VanArsdale,

Chairman, Size Policy Board.

[FR Doc. 92-4372 Filed 2-25-92; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Chapter I

[Summary Notice No. PR-92-1]

#### Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for rulemaking received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 27, 1992.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. 26705, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:** Angela M. Washington, Office of Rulemaking (ARM-1), Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-5571.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 5, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

#### Petitions for Rulemaking

*Docket No.:* 26705.

*Petitioner:* Tom Gasta.

*Regulations Affected:* 14 CFR 1.1 and all flight time and rest regulations affecting flight crewmembers.

*Description of Petition:* Petitioner would amend the Federal Aviation Regulations (FAR) to add a definition of rest or required rest to mean that period of time in which a flight crewmember shall be free from any and all duty with a certificate holder. Further, this time shall be free of a present responsibility for work, should the occasion arise. It must be prospective in nature and must be free from any restraint by the certificate holder in order to qualify as required rest.

*Petitioner's Reason for the Request:* The petitioner believes that the rest requirements in the regulations are written in a manner that facilitates misinterpretation of the rules. The petitioner further believes that amending the regulations to include a legal definition of the terms "rest" or "required rest" will insure that flight crewmembers are receiving adequate rest periods in which they are free from work restraints and responsibilities, thereby insuring the safe operation of aircraft within air commerce.

[FR Doc. 92-4397 Filed 2-25-92; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[PR Docket No. 92-17; FCC No. 92-40]

#### Loading Requirements for 900 MHz Trunked SMR Stations

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This docket proposes to extend the loading deadline for 900 MHz SMR stations licensed on or before June 30, 1989, by two years. This action was initiated by a petition for rule making filed by the National Association of

Business and Educational Radio, Inc. The effect of the proposed rules would be to allow the early 900 MHz SMR licensees to continue to operate and further the development of 900 MHz SMR systems.

**DATES:** Comments must be filed on or before March 11, 1992 and reply comments must be filed on or before March 23, 1992.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Steve Sharkey, Private Radio Bureau, (202) 634-2443.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, PR Docket No. 92-17, FCC 92-40, adopted January 30, 1992, and released February 18, 1992. The full text of this Notice of Proposed Rule Making is available for inspection during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street, NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20026, telephone (202) 452-1422.

#### Summary of Notice of Proposed Rule Making

1. The National Association of Business and Educational Radio (NABER) has filed a petition for rule making to amend § 90.631 of the Rules, 47 CFR 90.631, to extend the five-year loading deadline for 900 MHz specialized mobile radio (SMR) licensees by two years. Currently, in accordance with § 90.631(b) of our Rules, if all the channels in a licensee's radio service category are assigned within the system's geographic area, failure to load the system to 70 mobile units per channel within the first five years results in automatic cancellation of any channels not loaded to 100 mobile units. The petitioner claims, however, that due to circumstances unique to the 900 MHz SMR service, such as the Commission's multi-phase licensing scheme for this service, it has been difficult or impossible for licensees to meet this five-year loading deadline. NABER has, therefore, requested that the Commission grant 900 MHz SMR licensees a two-year extension of the loading deadline.

2. The Commission recognizes that there are circumstances wholly unique to this service that may have made it difficult for 900 MHz SMR licensees to meet the five-year loading deadline, especially for early licensees whose



difficulties were compounded by the immaturity of the radio service. To allow these early licensees—that is, the licensees granted licenses during the first two years of the 900 MHz service—to continue to operate and further the development of the service, the Commission proposes granting a two-year renewal to 900 MHz SMR systems that have not met the loading requirements of § 90.631(b) of the Rules and were licensed on or before June 30, 1989. At the end of this two-year renewal period, these licensees would be required to meet any loading requirements normally associated with the initial five-year license term.

3. Because of the inherent differences between the SMR and Industrial/Land Transportation (I/LT) services the Commission declines to extend this proposal to I/LT licensees as was requested by the Special Industrial Radio Service Association, the Telephone Frequency Advisory Committee, and the Council of Independent Communication Suppliers.

#### Initial Regulatory Flexibility Analysis

##### Reason for Action

The proposal is intended to provide some relief from strict loading requirements to the initial licensees of the 900 MHz SMR service.

##### Legal Basis

Section 4(i), 303(g), 303(r) and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), and 332(a).

#### Reporting, Recordkeeping, and Other Compliance Requirements

None.

#### Federal Rules Which Overlap, Duplicate or Conflict With This Rule

None.

#### Description, Potential Impact and Number of Small Entities Involved

The temporary relief from our strict loading standards will give 900 MHz SMR licensees with initial licenses granted prior to June 30, 1989, some of which are small entities, a better chance to develop their businesses. These licensees are also providing a valuable service to their users which are generally small entities. The proposed action would allow the licensees to continue providing such service. Beyond this, we are unable to quantify the potential effects on small entities. We therefore invite specific comments on this point by interested parties.

#### Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent With the Stated Objectives

None.

#### Paperwork Reduction Act Statement

The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to propose no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements, and will not increase burden hours imposed upon the public.

#### List of Subjects in 47 CFR Part 90

Administrative practice and procedure, Business and industry, Communications equipment, Reporting and record keeping requirements, Radio.

#### Amendatory Text

47 CFR part 90 is proposed to be amended as follows:

#### PART 90—[AMENDED]

1. The authority citation for part 90 continues to read as follows:

**Authority:** Secs. 4, 303, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 303, and 332, unless otherwise noted.

2. Section 90.631 is amended by revising paragraph (b), and by adding a new paragraph (i) to read as follows:

#### § 90.631 Trunked systems loading, construction and authorization requirements.

(b) Each applicant for a trunked system shall certify that a minimum of 70 mobiles for each channel authorized will be placed in operation within five years of the initial license grant. Except as provided in paragraph (i) of this section, if at the end of five years a trunked system is not loaded to the prescribed levels and all channels in the licensee's category are assigned in the system's geographic area, authorization for channels not loaded to 100 mobile stations per channel cancels automatically. If a trunked system has channels from more than one category, General Category channels are the first channels to be considered to cancel automatically. All licensees who are authorized initially before June 1, 1993, and are within their original license term or are within the term of a two-year authorization granted in accordance with paragraph (i) of this section are subject to this condition. A licensee that has had authorized channels cancelled due to failure to meet the above loading requirements will not be authorized to obtain additional channels to expand

that same system for a period of six months from the date of cancellation.

\* \* \* \* \*

(i) For SMRS category trunked systems licensed in the 896–901/935–940 MHz band and initially licensed on or before June 30, 1989, if at the end of the initial five-year license term the trunked system does not satisfy the loading requirements of paragraph (b) of this section, the licensee will be granted a two-year license renewal. Regardless of the date of grant of the two-year renewal the licensee will be required to fully comply with the minimum five-year loading requirements set forth in paragraph (b) of this section at the end of the two-year renewal term.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–4283 Filed 2–25–92; 8:45 am]

BILLING CODE 6712-01-M

#### DEPARTMENT OF TRANSPORTATION

#### Federal Railroad Administration

#### 49 CFR Part 245

[FRA Docket No. RSUF–1, Notice No. 6]

RIN 2130-AA62

#### Railroad User Fees

**AGENCY:** Federal Railroad Administration; Department of Transportation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Railroad Administration ("FRA") proposes a revised allocation formula through which it will assess railroad user fees for fiscal years 1992 through 1995. The Federal Railroad Safety Act of 1970 (the "Act") requires FRA to equitably assess a schedule of fees on railroads to cover the costs incurred by FRA in administering the Act. In September, 1991, FRA issued an interim final rule applicable only to fiscal year 1991 collections. Under the proposal, FRA would continue to use the definition of railroad which was defined in the interim final rule for fiscal year 1991 to exclude from the user fee program only those railroads whose operations are confined within an industrial installation. All other railroads are in some manner subject to FRA's regulatory oversight and would be subject to FRA's regulatory oversight and would be subject to the user fee assessment program.

FRA proposes that the user fees be assessed based on three criteria: One



criterion, road miles, would be a measure of system size; the second criterion, train miles, would be a measure of volume; and the third criterion, employee hours, would be a measure of employee activity. FRA also proposes to apply a revised sliding scale system to help relieve the user fee burden on light density lines. The revised allocation formula would be applied across the board to all railroads, large or small, and would include a minimum fee of \$500.00 to ensure that each railroad pays a share of the costs of the FRA safety and enforcement program.

**DATES:** (1) Written comments must be received not later than April 2, 1992. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

(2) FRA will hold a public hearing on this proposal on April 2, 1992 at the time and place set forth below. Any person who desires to make an oral statement at the hearing is requested to notify the Docket Clerk at least five working days prior to the date of the hearing, by phone or mail.

**ADDRESSES:** (1) Written comments should be submitted to the Docket Clerk (RCC-30), Officer of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, DC 20590. Persons desiring to be notified that their written comments have been received by FRA should submit a stamped, self-addressed postcard with their comments. The Docket Clerk will indicate on the postcard the date on which the comments were received and will return the card to the addressee. Written comments will be available for examination, both before and after the closing date for comments, during regular business hours in room 8201 of the Nassif Building at the above address.

(2) The public hearing will be held in Washington, DC on April 2, 1992 at 10 a.m. in the Nassif Building (DOT Headquarters), 400 Seventh Street, SW., Washington, DC, room 2230.

Persons desiring to make oral statements at the hearing should notify the Docket Clerk by telephone (202) 366-2257 or by writing the Docket Clerk at the address above.

**FOR FURTHER INFORMATION CONTACT:** Gail L. Payne, Senior Program Analyst, Industry Operations and Safety Analysis Division, Office of Policy, (RRP-12), FRA, Washington, DC 20590 (Telephone: 202 366-0384); or William R. Fashouer, Deputy Assistant Chief Counsel, Office of Chief Counsel, (RCC-

10), FRA, Washington, DC 20590 (Telephone: 202-366-0616).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

###### **A. Background**

Section 10501 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, 104 Stat. 1388-399) amended the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*) by adding a new section 216 requiring the Secretary of Transportation to establish by regulation, after notice and comment, a schedule of fees to be assessed equitably to railroads, in reasonable relationship to an appropriate combination of criteria such as revenue ton-miles, track miles, passenger miles, or other relevant factors, but not based on the proportion of industry revenues attributable to a railroad or class of railroads. The fees to be collected are to be imposed on railroads subject to the Safety Act and are to be designed to cover the costs of administering the Safety Act, other than activities described in section 202(a)(2) thereof (45 U.S.C. 431(a)(2)). The Secretary's authority under the Safety Act, including the authority to implement new section 216, has been delegated to the Federal Railroad Administrator, (See 49 CFR 1.49(m)).

The Secretary is further directed in section 216 to assess and collect the applicable user fees with respect to each fiscal year before the end of the fiscal year. The aggregate fees received for any fiscal year may not exceed 105 percent of the aggregate of appropriations made by the Congress for the fiscal year for activities covered by the fees. The Secretary's authority to collect fees is to expire on September 30, 1995. FRA estimates that the costs to be incurred by FRA's Office of Safety in administering the Safety Act in fiscal year 1992 that would be reimbursed through user fees will equal approximately \$32 million.

###### **B. FRA's Interim Final Rule**

On September 30, 1991, FRA published an interim final rule establishing the railroad user fee program for fiscal year 1991 (56 FR 49418). The interim final rule was preceded by a Notice of Proposed Rulemaking ("NPRM") which was published in the *Federal Register* on May 7, 1991 (56 FR 21216). The interim final rule based the collection of railroad user fees for fiscal year 1991 on two criteria: train miles and road miles. As noted in the original NPRM, FRA selected these criteria because they equitably allocated user fees across the

railroad industry, they represented data the industry was already maintaining and therefore imposed only a limited additional reporting burden on the industry, they represented data that FRA could verify, and they allowed FRA to complete the interim rulemaking process in fiscal year 1991.

###### **C. Reconsideration**

In proceeding with an interim final rule applicable to fiscal year 1991 only, FRA acceded to the wishes of certain segments of the rail industry, which requested FRA to reopen the proceeding in fiscal year 1992 in order to consider whether there might be other allocation criteria that better distribute the user fee burden across the railroad industry. FRA remains of the opinion that the user fee allocation formula based on train miles and road miles produced a fair and reasonable distribution of railroad user fees for fiscal year 1991. Objections to the train mile/road mile formula focused primarily on a perceived overreliance on the road mile component. It was argued that FRA's inspection activities related to the fixed component of railroad operations involved approximately 30% of FRA's inspector time and that drawing 50% of the user fee road miles failed to accurately reflect FRA's actual inspection activities. It was also argued that basing fifty percent of the user fee on road miles unduly burdened light density lines, FRA's use of the sliding scale notwithstanding. A related objection focused not so much on the criteria chosen but on the limited time frame available to commenters on the fiscal year 1991 rule. Because of the need to complete the rulemaking process before the end of the fiscal year, FRA was forced to proceed on an expedited schedule. With all of these considerations in mind, FRA agreed to reopen the proceeding in fiscal year 1992 in order to consider whether there might be alternative allocation formulas that might more fairly allocate user fees across the railroad industry.

As FRA has noted from the very beginning, the development of an appropriate basis upon which to allocate the user fees represents a very significant challenge. The statute requires "a schedule of fees to be assessed equitably to railroads, in reasonable relationship to an appropriate combination of criteria such as revenue ton-miles, track miles, passenger miles, or other relevant factors, but shall not be based on the proportion of industry revenues attributable to a railroad or a class of railroads." Section 216(a)(1). The



railroad industry is very diverse, incorporating passenger and freight, intercity, commuter, and tourist, three traditional freight classes, and switching and terminal railroads. Developing a set of criteria that adequately represent the interests of all of these is a difficult task at best. On the other hand, attempting to divide up the total user fee among certain identifiable groups has proven to be even more difficult.

FRA completed a detailed analysis of new criteria that might be employed supplementing the extensive effort undertaken in developing the original regulation. Key considerations that remain relevant are FRA's interest in keeping the reporting burden on the industry to a minimum, the ability of FRA to verify the data, the degree the data would be compatible with administration of billing and collection, the degree that the criteria could be defined in a clear and unambiguous manner, and the extent to which the criteria fairly and equitably allocate the user fees to all railroads. As FRA noted in connection with the original rule, FRA collects three kinds of data: road miles, train miles and employee hours worked. Other data such as car miles and revenue ton miles are available from the Class I carriers only. Basing user fees on data not collected would add a significant dimension to the problem and would add a new reporting burden to the industry. In addition, since user fees are to be collected for fiscal year 1992 before the end of the fiscal year, new data would have to be collected well in advance of that date in order to meet the statutory deadline.

#### *D. Open Meetings*

On November 8, and December 6, 1991, FRA held open meetings to hear suggestions from the railroad industry and the public on the options and criteria for the assessment of railroad user fees for fiscal years 1992 through 1995. The November 8th meeting was announced in the *Federal Register* on October 21, 1991 (56 FR 52498) and the December 6th meeting was announced in the *Federal Register* on November 26, 1991 (56 FR 59893). Participating in the open meetings were representatives of the major railroad industry associations (the Association of American Railroads, the American Short Line Railroad Association, the Regional Railroads of America and the Tourist Railroad Association, Inc.) and a number of individual railroads. The meetings involved a frank discussion of considerations that are relevant to selecting user fee allocation criteria that fairly distribute the burden across the railroad industry as well as some

possible criteria that might be selected. A court reporter was present at both meetings and transcripts relating the discussions have been included in the docket for these proceedings.

FRA was pleased with the extent of industry participation in the meetings and the willingness of attendees to provide detailed recommendations for user fee criteria and allocation formulas that would provide both fair and timely assessments. The range of ideas and options offered were varied and interesting and served to demonstrate the complexity of the issue. FRA appreciates the time and effort put forward by each of the participants.

FRA received four formal proposals through the open meetings, and one additional proposal that was received after the second meeting. We have briefly described the five proposals below.

#### **1. CSX Transportation Proposal**

CSX Transportation, Inc. ("CSXT") proposed that safety performance be incorporated into the formula for allocation of user fees in order to provide an incentive to all railroads to operate more safely and further the purposes of the Federal Railroad Safety Act. CSXT proposed to incorporate a safety incentive into the existing train mile/road mile formula through the addition of two factors: FRA reportable train accidents and FRA reportable personal injuries. Each criterion would account for 25 percent of the total fee to be collected and each railroad's fee would be the sum of its train miles, road miles, train accidents and personal injuries multiplied by the respective user fee rate for each category. CSXT argued that its proposal would incorporate a financial incentive for each carrier to increase railroad safety by reducing its train accidents and personal injuries. FRA noted that the proposal satisfied several of FRA's expressed concerns in that it did not require any additional reporting and was not overly complex or unwieldy. CSX indicated that it would also consider alternative proposals to incorporate safety performance into the user fee calculation.

#### **2. Burlington Northern Railroad Proposal**

The Burlington Northern Railroad ("BN") proposed to allocate railroad user fees according to FRA's inspectors' total recoverable hours. Each railroad's fee would be based on the inspection activity undertaken by FRA on that railroad, presumably for the previous year or some other relevant time period. The inspection activities to be included would be limited to those for which FRA is authorized to collect user fees.

Overhead expenses would be allocated in the same proportion as the direct expenses. BN argued that this proposal most directly related to the statutory requirement to establish a user fee program.

#### **3. Union Pacific Railroad Proposal**

The Union Pacific Railroad ("UP") recommended preliminarily that FRA consider dividing all railroads into two major groups, i.e., the Class I railroads and all others. The recoverable FRA costs would be allocated between the two groups based on the proportion of inspection hours devoted to each category. The allocation in the Class I category could continue to be based on equal portions of train miles and road miles. The allocation among the smaller railroads could be based on train miles and road miles with an appropriate minimum fee. The allocation formula would be reassessed each year to insure that the user fee was being fairly distributed among the railroads.

#### **4. American Short Line Railroad Association Proposal**

The American Short Line Railroad Association ("ASLRA") proposed that an additional factor be added to the allocation formula, arguing that the two part train mile/road mile formula employed by FRA in fiscal year 1991 placed an undue and unsupportable emphasis on road mileage. ASLRA believed that this undue emphasis penalized railroads with large amounts of light density road mileage and was not in accord with FRA's practices in conducting safety inspections, which ASLRA felt only involved approximately one third in the track area and two thirds in other disciplines. To remedy this inequity, ASLRA suggested that among other options FRA might want to add a third component, such as employee-hours worked, and to provide an appropriate weight to each component. ASLRA's bottom line was not so much which formula FRA selected but to ensure that the particular methodology be based on the costs and level of FRA's safety inspection activities.

Following up on its comments at the public meetings, ASLRA submitted a supplemental letter suggesting that if FRA added employee hours to the formula it should assign 40 percent to employee hours, 40 percent to train miles and 20 percent to road miles. ASLRA argued that this combination of employee hours worked and the train miles more accurately reflects the level of safety activity that should be the determining factor in this inquiry and



that 80 percent is the proper weight for this combination.

#### 5. Association of American Railroads Proposal

Subsequent to the second public meeting the Association of American Railroads ("AAR"), representing the thirteen Class I freight railroads and Amtrak, submitted a proposal whereby FRA would divide all railroads into two major groups, Class I roads, including Amtrak, and all other railroads. The recoverable FRA costs would be allocated between the two groups on the basis of inspection hours devoted to each group as reported by FRA. The portion of the FRA safety budget attributed to the Class I railroads and Amtrak, as a group, on the basis of their portion of reported inspection hours, would be distributed among those railroads on the basis of the allocation formula in FRA's interim rule, i.e., road miles and train miles. The AAR proposal thus closely resembled the UP proposal. AAR indicted that this proposed allocation formula would eliminate inequities in the formula established by the interim rule while furthering FRA's new National Inspection Policy. In support of its proposal, AAR noted that under the interim final rule, the largest railroads received approximately 81% of the total recoverable FRA inspection hours while paying approximately 85% of the fiscal year 1991 user fees. In effect, according to the AAR, the largest railroads were subsidizing the smaller railroads and this, on balance, would worsen as FRA's national Inspection Policy is put into effect and additional inspector resources were devoted to smaller railroads. In conclusion, AAR noted that Congress mandated that user fees be "assessed equitably to railroads" and that this meant that each railroad should pay a fee commensurate with FRA's safety inspection program for that railroad (or category of railroads).

FRA has not adopted proposals put forward by the CSXT, BN, UP, or AAR, because we believe there are significant problems with all of them. We have incorporated key concepts from the ASLRA proposal in our proposed action, which is described in greater detail below. The language employed by Congress in section 216 focuses the allocation of the user fees primarily on output/size measures rather than on safety expenditures or individual risk assessments. Thus, the need to establish linkage to how FRA perceives risk or expends its resources is neither explicitly nor implicitly required by the statute. The development of risk by carrier, class or type, has its merits in

principle but depends on a credible and verifiable data base.

In response to criticisms it has received from the General Accounting Office and others, FRA has revised its policies and procedures for allocating its safety inspection resources. These revised procedures are outlined in FRA's new National Inspection Plan, which will be put into effect for the first time in calendar year 1992. Since this new safety resource allocation system will require adjustments and modifications as it is implemented, FRA does not favor burdening the process with the additional responsibility of supporting the user fee program as well. In addition, since it will take a couple of years to perfect the carrier risk assessments that are an essential component of the NIP, practical application of the system to the user fee collection is not advisable. Relying on data for prior calendar years is inadequate, since it would mean allocating user fees on the basis of a system that FRA is no longer following. FRA believes that the new National Inspection Plan needs to be implemented on its own merits. Implementing the system presents enough challenges without requiring it to shoulder the burden of the user fee allocations as well.

FRA declines to adopt CSXT's suggestion, but does so somewhat reluctantly because every incentive to improve safety is welcome. One concern presented by this proposal that was discussed in the public meetings is that some railroads may perceive an enhanced incentive to report accidents and injuries inaccurately rather than improve the safety of their operations. Because those data are of critical importance to the safety program, FRA is loath to add any incentive to misreport accidents and injuries. If, despite FRA's skepticism about the appropriateness of allocating user fees on the basis of perceived safety risks, FRA does include some such factor in the final rule, FRA is concerned that raw accident and injury data may not present a fair basis for taking safety risk into account. At a minimum, FRA would want to consider (1) whether accident and injury rates would present a fairer picture of risk or provide a greater incentive to safe behavior than raw data and (2) whether severity of accidents and injuries can and should be taken into account. FRA also notes that, if such alterations and more were made to CSXT's proposal, its straightforward simplicity would likely be lost.

In addition to the reasons given above for not relating user fees directly to

FRA's allocation of its resources, BN's proposal is not incorporated into the NPRM because: first, inspector time alone does not reflect the allocation of the full resources of the Office of Safety; second, FRA's allocation of its resources is changing significantly during implementation of the new National Inspection Program; and, third, FRA does not want to give any railroad an incentive to regard the appearance on its property of an FRA inspector primarily in terms of the cost of his or her time in user fees.

In addition to the reasons given above for not relating user fees directly to FRA's allocation of its resources, the proposals put forward by UP and the AAR are not adopted because: first, FRA does not perceive it to be fair and equitable to base the amount of user fees charged to the Class I railroads in the aggregate on the share of FRA's resources devoted to them without affording the same treatment to all of the other discernible classifications of railroads; second, FRA's allocation of its resources is changing significantly during implementation of the new National Inspection Program; and, third, the other concerns FRA is attempting to address in this rulemaking would remain unaddressed.

Notwithstanding our views on the subject of connecting user fees to FRA's safety activities, we are very interested in receiving public comment on the proposals put forth during the public meeting process. Since the proposals primarily were put forward by Class I railroads, FRA is particularly interested in comments from Class II and III railroads, switching and terminal railroads, and passenger railroads.

#### *E. FRA's Proposal for Fiscal Years 1992 through 1995*

After careful consideration, FRA proposes that user fees for fiscal years 1992 through 1995 be based on three criteria: one criterion, road miles, would be a measure of system size; the second criterion, train miles, would be a measure of volume; and the third criterion, employee hours, would be a measure of employee activity. FRA proposes that road miles would account for thirty percent (30%), train miles would account for fifty percent (50%), and employee hours would account for twenty percent (20%) of the total user fee. FRA's proposal also includes a revised sliding scale to mitigate the impact of the road mile criterion on light density lines. While FRA continues to believe that a system size component is an important part of the user fee allocation formula, we remain



concerned that the road mile component may operate as a disincentive to retention of light density. Accordingly, FRA proposes to reduce the emphasis placed on road miles from fifty percent (50%) to thirty percent (30%), which benefits large railroads with some light density lines and small, light density railroads, and to retain and slightly expand the sliding scale concept from the interim final rule. The proposed sliding scale is as follows:

Train miles per road mile	Scaling factor
up to 100	.0
501 to 750	.25
751 to 1000	.50
1001 to 1200	.75
1201 and above	1.00

The scaling factor would be multiplied by the road miles for each railroad for the year. Approximately 400 railroads would be eligible for the sliding scale discount. Application of the sliding scale to certain railroads would reduce their user fee and correspondingly increase the fees to be collected from other railroads. FRA proposes to apply the road mile/train mile/employee hours allocation formula across the board to all railroads, large or small. FRA also proposes to include a \$500 minimum fee to ensure that each railroad pays a share of the costs of the FRA safety and enforcement program.

FRA has selected this proposal because it addresses many of the features of the train mile/road mile formula about which complaints were made, and because it meets all of the criteria that FRA has identified from the start as being essential components of an acceptable allocation system. First, this proposal would reduce the reliance on the road mile criterion and increase the role of activity-based measures. Second, the inclusion of employee hours can be accomplished without increasing the reporting burden on the railroad industry or unduly complicating the allocation formula. Third, decreasing the reliance on road miles and slightly expanding the sliding scale concept would reduce adverse consequences for light density lines. FRA has indicated throughout this proceeding that it was concerned that user fees not become an incentive for railroads to dispose of light density lines.

The collection of a broad base of new measures with no clear benefit evident, coupled with the burden on the railroads and the lack of overwhelming support by the industry, was dismissed as impractical.

The current proposal seeks to allocate user fees with greater emphasis on activity and employment levels and away from system size. The proposed formula would align more closely the proportion of fees paid to the level of safety reviews received without the direct introduction of potentially unreliable safety data. It is constructed such that the greater the output or activity the greater the potential risk burden and the higher the fee to be assessed. Further, the proposed formula narrows the disparity or equity among the different groups critically observed by many commenters.

#### Section-by-Section Analysis

Section 245.1 describes the purpose and scope of the user fee regulations. No changes have been proposed to the interim final rule in this section.

Section 245.3 defines the applicability of these regulations. No changes have been proposed to the interim final rule in this section. While FRA has not proposed any changes to the applicability section, we would be interested in receiving public comment on how the applicability section has worked in practice during the first year. In addition, FRA is interested in receiving public comment on the issue of whether railroad user fees should be reduced or eliminated for certain types of railroad operations.

Section 245.5 includes a series of definitions of important terms employed in the user fee regulation. Only minor changes have been proposed in this section, including the addition of a definition of employee hours and revisions to the definition of light density railroad. FRA is interested in receiving comments on the definition of other terms. There have been some indications that some railroads had difficulty in calculating road miles or train miles. If these definitions can be improved to address specific problems, FRA would appreciate receiving comments on this topic and may incorporate recommended changes in the final rule. FRA is also considering further refining the definition of the term "railroad" and would welcome public comment on whether further refinements would assist the industry in complying with the rule.

Section 245.7 identifies the penalties FRA may impose upon any individual or entity that violates any requirement of this part. No changes have been proposed to the interim final rule in this section.

Section 245.101 would establish a new reporting requirement. FRA proposes to amend the reporting requirement established in the interim final rule by

adding a requirement that each railroad also report on its user fee annual report the number of employee hours the railroad had for the previous year. Employee hours are already the subject of an annual reporting requirement so that the addition of this to the user fee annual report should not present a significant burden on the industry. FRA notes that the existing employee hours reporting requirement does not include volunteer hours and FRA intends that these type of activity would be excluded from the user fee report as well. FRA would appreciate public comment on issues related to calculating and reporting of employee hours.

Provisions in § 245.101 also address considerations to be employed in calculating train miles and road miles. As noted above in the discussion of the definition section, FRA is interested in receiving comments from the industry on any problems encountered in the first year in calculating train miles or road miles.

FRA proposes to add a new subsection (h) to section 101 noting that FRA employed a questionnaire in fiscal year 1991 entitled "Written Questionnaire On Whether Your Company Is A 'Railroad' Subject To FRA User Fee Regulations" (FRA Form 6180.90). The purpose of this questionnaire was to assist FRA in determining whether certain entities (i.e. plant railroads, urban rapid transit systems) were subject to the user fee provisions. FRA is considering expanding the questionnaire or developing additional questionnaires to help clarify considerations FRA applies in determining whether the user fee rule applies to a particular entity and to document the reasons for each organization's classification. FRA would welcome public comment on FRA Form 6180.90 or the use of questionnaires in general.

Section 245.103 requires each railroad subject to this part to maintain adequate records supporting the information submitted to FRA regarding the railroad's train miles, and road miles calculations. The only change proposed in this section involves the addition of employee hours to this list.

Section 245.105 requires relevant records to be maintained for three years. No changes have been proposed to the interim final rule in this section.

Section 245.201 describes the method FRA is proposing for calculating the user fee to be paid by each railroad subject to this part for fiscal years 1992 through 1995. FRA proposes to change this section to reflect the addition of employee hours to the user fee



assessment formula. Under the proposed rule, train miles would account for fifty percent of the railroad's user fee, road miles would account for thirty percent of the railroad's user fee and employee hours would account for twenty percent of railroad's user fee.

## II. Regulatory Impact

### A. E.O. 12291 and DOT Regulatory Policies and Procedures

These proposed regulations have been evaluated in accordance with existing regulatory policies. They are considered to be non-major under Executive Order 12291 because they would not have an annual effect on the economy of \$100 million or more, produce a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or produce significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These proposed regulations are considered to be significant under section 5(a)(2)(f) of DOT's Regulatory Policies and Procedures (the "Procedures") (44 FR 11034, February 26, 1979) because of the widespread interest within the railroad industry in the user fee program.

FRA has determined that the proposed regulations would not in and of themselves significantly alter the fees to be paid by individual railroads or produce a change in the total user fees to be collected. In fiscal year 1991, approximately 600 railroads were assessed railroad user fees. The Class I railroads accounted for about 81 percent of the total fees, Class II railroads about 6 percent of the fees, Class III railroads about 6 percent of the fees, and the major passenger rail carriers about 7 percent. Under the proposed rule, which includes an adjusted sliding scale and revised allocation formula (decreasing the emphasis on road miles and adding an employee hours component), the user fees to be paid by small and medium size railroads (Class II and Class III railroads) would be reduced while the share to be paid by Amtrak and the other major passenger rail carriers would be larger. FRA estimates that under the proposed rule the Class II and Class III railroads would be responsible for approximately 9 percent of the total fees while the major passenger railroads would be responsible for approximately 10 percent of the fees.

FRA notes that by operation of law the railroad user fees collected in fiscal

years 1992 through 1995 will be greater than the amount collected in fiscal year 1991 because the fiscal year 1991 collections involved reimbursement for FRA's safety enforcement costs for only seven months of the year. In addition, the user fees to be collected in fiscal years 1992 through 1995 will include some railroad safety enforcement costs that were not included in the fiscal year 1991 assessments. Both of these circumstances were discussed in FRA's original notice of proposed rulemaking.

In accordance with section 10(e) of the Procedures, FRA has prepared a draft Regulatory Evaluation, which includes a brief analysis of the economic consequences of the revisions to the user fee regulations and an analysis of the anticipated benefits and impacts. The draft regulatory evaluation has been included in the docket for this proceeding.

### B. Regulatory Flexibility Act

FRA certifies that this proposal will not have a significant economic impact on a substantial number of small entities. The proposed rule would apply only to railroads, and accordingly, would have no direct impact on small units of government, or other businesses or organizations. Although a substantial number of small railroads would be subject to these regulations, the smallest of these carriers would only be subject to the minimum fee of \$500.00 which does not constitute a significant economic impact under the Regulatory Flexibility Act. FRA has endeavored throughout this proceeding to lessen the burden on light density railroads and to avoid having railroad user fees act as an incentive to abandonment of light density lines. As noted above, the revised allocation formula proposed in this NPRM will have a positive effect on small and medium size carriers, since Class II and Class III railroads, as a group, will pay proportionately less under this proposal than under the allocation formula contained in the interim final rule.

### C. Executive Order 12612—Federalism

The regulations proposed herein will not have a substantial effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 12612, preparation of a Federalism Assessment is not warranted. The regulations will apply to commuter rail operators and will have an impact on state and local governments which operate or support freight or commuter rail service.

However, the user fees to be paid by commuter rail operators and state-owned freight railroads are not substantial and cannot be considered to constitute a significant effect on the states involved. FRA believes that it is also worth noting that commuter rail operators and state-owned freight railroads benefit from the FRA safety and enforcement program and as such they come within the ambit of those entities which Congress determined should pay to support the cost of that program.

### D. Paperwork Reduction Act

This proposed rule contains information collection requirements. FRA will submit these information collection requirements to the Office of Management and Budget ("OMB") for approval in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Certain of the information collection requirements were included in the interim final rule and previously received OMB approval. FRA has endeavored to keep the burden associated with railroad user fees as simple and minimal as possible. The proposed sections that contain information collection requirements and the estimated time to fulfill each requirement are as follows:

Section	Brief description	Est. average time
245.101	Annual Report of Railroads Subject to User Fees.	1 to 8 hours depending on size of railroad.
245.101	Revised Annual Report.	45 minutes
245.103	Recordkeeping	5 minutes.

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. OMB has assigned the information collection requirements that were included in the interim final rule OMB approval number 2130-0532. This proposal involves the addition of information collection activities related to the inclusion of employee hours in the user fee annual report. FRA solicits comments on the accuracy of the estimates, the practical utility of the information, and alternative methods that might be less burdensome to obtain this information. Persons desiring to comment on this topic should submit their views in writing to Gloria D. Swanson, Federal Railroad Administration, 400 Seventh Street, SW., Washington, DC 20590; and to Desk Officer, Regulatory Policy



Branch (OMB No. 2130-0532), Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Washington, DC 20530. Copies of any comments should also be submitted to the docket of this rulemaking at the address provided above.

### III. Environmental Impact

FRA has evaluated these proposed regulations in accordance with its procedures for ensuring full consideration of the environmental impacts of FRA actions as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, executive orders, and DOT Order 5610.1c. These proposed regulations meet the criteria that establish this as a non-major action for environmental purposes.

### IV. List of Subjects in 49 CFR Part 245

Railroad user fee, Reporting and recordkeeping requirements.

### V. Request for Public Comment

FRA proposes to revise part 245 to title 49, Code of Federal Regulations, as set forth below. FRA solicits comments on all aspects of the proposed rule and the analysis advanced in the explanation of the proposed rule, whether through written submissions or participation at the public hearing, or both. FRA may make changes in the final rule based on comments received in response to this notice.

In consideration of the foregoing, chapter II, part 245 of title 49, Code of Federal Regulations is amended as follows:

1. Part 245 is revised to read as follows:

## PART 245—RAILROAD USER FEES

### Subpart A—General

- Sec.
- 245.1 Purpose and scope.
- 245.3 Application.
- 245.5 Definitions.
- 245.7 Penalties.

### Subpart B—Reporting and Recordkeeping

- 245.101 Reporting requirements.
- 245.103 Recordkeeping.
- 245.105 Retention of records.

### Subpart C—User Fee Calculation

- 245.201 User fee calculation.

### Subpart D—Collection Procedures and Duty to Pay

- 245.301 Collection procedures.
- 245.303 Duty to pay.

Authority: 45 U.S.C. 431, 437, 438, 446 as amended; Pub. L. 101-508, 104 Stat. 1388; and 49 CFR 1.49(m).

### Subpart A—General

#### § 245.1 Purpose and scope.

(a) The purpose of this part is to implement section 216 of the federal Railroad Safety Act of 1970 (45 U.S.C. 446) (the "Safety Act") which requires the Secretary of Transportation to establish a schedule of fees to be assessed equitably to railroads to cover the costs incurred by the Federal Railroad Administration ("FRA") in administering the Safety Act (not including activities described in section 202(a)(2) thereof).

(b) Beginning in the fiscal year ending September 30, 1991, each railroad subject to this part shall pay an annual user fee to the FRA. For the fiscal year ending September 30, 1991, the user fee shall be calculated by FRA in accordance with the Interim Final Rule published in the *Federal Register* on September 29, 1991 (56 FR 49418). For fiscal years 1992 through 1995, the user fee shall be calculated by FRA in accordance with § 245.101. The Secretary's authority to collect user fees shall expire on September 30, 1995, as provided for in section 216(f) of the Safety Act.

#### § 245.3 Application.

This part applies to all railroads except those railroads whose entire operations are confined within an industrial installation.

#### § 245.5 Definitions.

As used in this part—

(a) *Employee hours* means the number of hours worked by all employees of the railroad during the previous calendar year.

(b) *FRA* means the Federal Railroad Administration.

(c) *Light density railroad* means railroads with less than 1200 train-miles per road mile.

(d) *Main track* means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

(e) *Passenger service* means both intercity rail passenger service and commuter rail passenger service.

(f) *Railroad* means all forms of non-highway ground transportation that run on rails or electro-magnetic guideways, including:

(1) Commuter or other short-haul rail passenger service in a metropolitan or suburban area, as well as any commuter rail service which was operated by the Consolidated Rail Corporation as of January 1, 1979, and

(2) High speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads.

Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

(g) *Road miles* means the length in miles of the single or first main track, measured by the distance between terminals or stations, or both. Road miles does not include industrial and yard tracks, sidings, and all other tracks not regularly used by road trains operated in such specific service, and lines operated under a trackage rights agreement.

(h) *Safety Act* means the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 *et seq.*)

(i) *Sliding Scale* means the adjustment made to the mile of road of light density railroads. The sliding scale is as follows:

Train miles per road mile	Scaling factor
up to 500 .....	.0
501 to 750 .....	.25
751 to 1000 .....	.50
1001 to 1200 .....	.75
1201 and above .....	1.00

The scaling factor is multiplied by the road miles for each railroad for the year.

(j) *Trackage rights agreement* means an agreement through which a railroad obtains access and provides service over tracks owned by another railroad where the owning railroad retains the responsibility for operating and maintaining the tracks.

(k) *Train* means a unit of equipment, or a combination of units of equipment (including light locomotives) in condition for movement over tracks by self-contained motor equipment.

(l) *Train mile* means the movement of a train a distance of one mile measured by the distance between terminals and/or stations. Note: Yard switching locomotive miles and work train miles are to be included in train mile reporting. Yard switching locomotive miles are computed at the rate of 6 mph for the time actually engaged in yard switching service if actual mileage is unknown.

#### § 245.7 Penalties.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such



requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation. Civil penalties may be assessed against individuals only for willful violations. Each day a violation continues shall constitute a separate offense. A person may also be subject to the criminal penalties provided for in 45 U.S.C. 438(e) for knowingly and willfully falsifying records or reports required by this part.

#### Subpart B—Reporting and Recordkeeping

##### § 245.101 Reporting requirements.

(a) Each railroad subject to this part shall submit to FRA, not later than March 1 of each year (June 15 for the fiscal year ending September 30, 1992) a report identifying the railroad's total train miles for the prior calendar year, the total road miles owned, leased, or controlled (but not including trackage rights) by the railroad as of December 31 of the previous calendar year, and the railroad's total number of employee hours for the prior calendar year. This report shall be made on FRA Form 6180.89—Annual Report of Railroads Subject to User Fees. The report shall include an explanation for an entry of zero for train miles, road miles or employee hours. Each railroad shall also identify all subsidiary railroads and provide a breakdown of train miles, road miles, and employee hours for each subsidiary. Finally, each railroad shall enter its corporate billing address for the user fees, and the name, title, telephone number, date, and a notarized signature of the person submitting the form to FRA.

(b) FRA anticipates mailing blank copies of FRA Form 6180.89—Annual Report of Railroads Subject to User Fees to each railroad of record during the month of January (the month of May for the fiscal year ending September 30, 1992) for the railroad's use in preparing the report. This action by FRA is for the convenience of the railroads only and in no way affects the obligation of railroads subject to this part to obtain and submit FRA Form 6180.89 to FRA in a timely fashion in the event a blank form is not received from FRA. Blank copies of FRA Form 6180.89 may be obtained from the Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590.

(c) Train miles shall be calculated by the railroad in accordance with the following considerations:

(1) Each railroad subject to this part is to report the train miles for the freight and passenger service it operates without regard to track or facility ownership.

(2) Train miles are to be reported by both freight and passenger railroads and shall include miles run between terminals or stations, or both, miles run by trains consisting of empty freight cars or without cars, locomotive train miles run, miles run by trains consisting of deadhead passenger equipment, motor train miles run, and yard-switching miles run.

(d) Road miles shall be calculated by the railroad in accordance with the following considerations:

(1) Road miles to be reported shall include all track owned, operated, or controlled by the railroad but shall not include track used under trackage rights agreements. Road miles consisting of leased track shall be reported by the lessee railroad.

(2) Road miles to be reported shall not include industrial and yard tracks, sidings, and other tracks not regularly used by road trains operated in such specific service.

(e) Employee hours shall be calculated by the railroad in accordance with the following considerations:

(1) employee hours to be reported include the number of hours worked by all railroad employees, regardless of occupation, during the previous calendar year. Include all employees in the occupational categories shown in Appendix D of the FRA Guide for Preparing Accident/Incident Reports. Employee hours do not include time paid but not actually worked, such as holidays, vacations, etc. Employee hours do not include hours worked by volunteers. Copies of the FRA Guide for Preparing Accident/Incident Reports are available from office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590.

(f) In computing both train miles and road miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as one mile.

(g) Each railroad subject to this part has a continuing obligation to assure that the information provided to FRA on Form 6180.89 is accurate. Should a railroad learn at a later date that the information provided was not correct, it shall submit a revised Form 6180.89 along with a detailed letter explaining the discrepancy.

(h) The FRA has prepared a questionnaire entitled "Written Questionnaire on Whether Your Company Is A 'Railroad' Subject To FRA User Fee Regulations" (FRA Form 6180.90) in order to assist in determining whether certain entities meet the definition of "railroad" included in § 245.5 or constitute railroads whose entire operations are confined within an

industrial installation excluded from this part under § 245.3. Copies of FRA Form 6180.90 are available from the Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590.

##### § 245.103 Recordkeeping.

Each railroad subject to this part shall maintain adequate records supporting its calculation of the railroad's total train miles for the prior calendar year, total road miles as of December 31 of the previous calendar year, and the total employee hours for the previous calendar year. Such records shall be sufficient to enable the FRA to verify the information provided by the railroad on FRA Form 6180.89—Annual Report of Railroads Subject to User Fees. Such records shall also be available for inspection and copying by the Administrator or the Administrator's designee during normal business hours.

##### § 245.105 Retention of records.

Each railroad subject to this part shall retain records required by § 245.103 for at least three years after the end of the calendar year to which they relate.

#### Subpart C—User Fee Calculation

##### § 245.201 User fee calculation.

(a) The fee to be paid by each railroad shall be determined as follows:

(1) After March 15 of each year (June 15th for the fiscal year ending September 30, 1992), FRA will tabulate the total train miles, total employee hours, and total road miles for railroads subject to this part for preceding calendar year. FRA's calculations will be based on the information supplied by covered railroads under § 245.101 hereof, and other reports and submissions which railroads are required to make to FRA under applicable regulations (i.e. 49 CFR parts 225 and 228). At the same time, FRA will calculate the total cost of administering the Safety Act for the current fiscal year (other than activities described in section 202(a)(2) thereof) which will represent the total amount of user fees to be collected.

(2) Using tabulations of total train miles, total employee hours, total road miles, and the total cost of administering the Safety Act, FRA will calculate a railroad's user fee assessment as follows:

(i) The assessment rate per train mile will be calculated by multiplying the total costs of administering the Safety Act by 0.5 and then dividing this amount (i.e., fifty percent of the total amount to be collected) by the total number of train miles reported to the FRA for the previous calendar year. The result will



be the railroad user fee assessment rate per train mile for the current fiscal year.

(ii) The assessment rate per employee hour will be calculated by multiplying the total costs of administering the Safety Act by 0.2 and then dividing this amount (i.e., 20 percent of the total amount to be collected) by the total number of employee hours reported to the FRA for the previous calendar year. The result will be the railroad user fee rate per employee hour for the fiscal year.

(iii) The assessment rate per road mile will be calculated in three steps. First, FRA will determine a preliminary assessment rate per road mile by multiplying the total costs of administering the Safety Act by 0.3 and dividing this amount (i.e., thirty percent of the total amount to be collected) by the total road miles reported to FRA for the previous calendar year. Second, FRA will adjust this preliminary rate per road mile for each light density railroad by multiplying the preliminary rate by the appropriate scaling factor identified in § 245.5(h). The result will be a reduced assessment rate per road mile for light density railroads. Third, FRA will adjust the preliminary assessment rate per road mile for all railroads except light density railroads by adding to their preliminary rate an incremental amount reflecting the reallocation of the relief provided to light density railroads under step 2 using the sliding scale. The incremental amount is calculated by subtracting the total amount to be collected from light density railroads after application of the sliding scale from the total amount that would have been collected from light density railroads using the preliminary assessment rate and developed under step 1 and dividing the resulting amount by the total road miles reported to FRA by all railroads except light density railroads. The incremental amount is then added to the preliminary assessment rate for all railroads except light density railroads to derive the assessment rate per road mile for all railroads except light density railroads. The results will be a modified assessment rate per road mile for light density railroads qualifying under step 2 and a general assessment rate applicable to all other railroads. In those cases where the computed fee is less than the defined minimum, the net increase attributable to the application of the minimum standard is not included in the reallocation process under step 3 and is instead added to total collections.

(b) FRA will publish a summary of its calculations in the Federal Register.

(c) The user fee to be paid by each covered railroad is the greater of \$500.00

or the sum of the railroad's train miles times the assessment rate per train mile, the railroad's employee hours times the assessment rate per employee hour, and the railroad's road miles times the applicable assessment rate per road mile.

#### Subpart D—Collection Procedures and Duty to Pay

##### § 245.301 Collection procedures.

(a) After March 15 of each year (June 15th for the fiscal year ending September 30, 1992), FRA will provide to each covered railroad a notice (the "Preliminary Assessment Notice") containing FRA's preliminary estimates of the total user fee to be collected, the assessment rate per train mile, the assessment rate per employee hour, the assessment rate per road mile (as adjusted by the sliding scale), the train miles, the employee hours, and the road miles for the railroad for the prior calendar year, and the user fee to be paid by the railroad. The Preliminary Assessment Notice is designed to be purely informational and will enable covered railroads to make necessary plans and budget adjustments in preparation of receipt of the final notice and user fee assessment. The Preliminary Assessment Notice is not a bill and no payment is due to FRA on the basis of the Preliminary Assessment Notice.

(b) FRA will refine its calculations as necessary and will provide to each covered railroad a notice (the "Final Assessment Notice") containing FRA's final calculations of the total user fee to be collected, the assessment rate per train mile, the assessment rate per employee hour, the assessment rate per road mile (as adjusted by the sliding scale), the train miles, employee hours, and road miles for the railroad for the prior calendar year, the user fee to be paid by the railroad, and a statement and payment record form. FRA will mail the Final Assessment Notice sufficiently in advance of the end of the fiscal year in order to allow all collections to be completed prior to the end of the fiscal year.

##### § 245.303 Duty to pay.

(a) Beginning in the fiscal year ending September 30, 1991, each railroad subject to this part shall pay an annual railroad user fee to the FRA. Payment in full shall be received by FRA no later than September 15th of each year. Payment is made only when received by FRA. Payments in excess of ten thousand dollars (\$10,000.00) shall be made by wire transfer through the Federal Reserve communications,

commonly known as Fedwire, to the account of the U.S. Treasury in accordance with the instructions provided in the Final Assessment Notice. Payments of ten thousand dollars or less shall be by check or money order payable to the Federal Railroad Administration. The payment shall be identified as the railroad's user fee by marking it with the railroad's User Fee Account Number as assigned by FRA and by returning the payment voucher form received with the Final Assessment Notice. Payment shall be sent to the address stated in the assessment notice.

(b) Payments not received by the due date will be subject to allowable interest charges, penalties, and administrative charges (31 U.S.C. 3717). Follow-up demands for payment and other actions intended to assure timely collection, including referral to local collection agencies or court action, will be conducted in accordance with Federal Claims Collection Standards (4 CFR Chapter II) and Departmental procedures.

Issued in Washington, DC, on February 18, 1992.

Gilbert E. Carmichael,

Federal Railroad Administrator.

[FR Doc. 92-4224 Filed 2-25-92; 8:45 am]

BILLING CODE 4910-06-M

#### National Highway Traffic Safety Administration

##### 49 CFR Parts 571 and 575

[Docket No. 92-03; Notice 1]

#### Evaluation Report on Tire Labeling Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of an Evaluation Report concerning § 575.104—the Uniform Tire Quality Grading Standards of the Consumer Information Regulations, Federal Motor Vehicle Safety Standard 109—New Pneumatic Passenger Car Tires, Safety Standard 117—Pneumatic Retreaded Tires, and Safety Standard 119—New Pneumatic Tires for Vehicles Other Than Passenger Cars. This staff report evaluates the effectiveness of tire labeling requirements in assisting individual consumers and buyers of tires for fleets of vehicles to make informed choices; tire sales people to select tires appropriate for customer vehicles; and tire repairers/retreaders to repair/



retread tires. The report was developed in response to Executive Order 12291, which provided for Government-wide review of existing major Federal regulations. The agency seeks public review and comment on this evaluation. Comments received will be used to complete the review required by Executive Order 12291.

**DATES:** Comments must be received no later than April 13, 1992.

**ADDRESSES:** Interested persons may obtain a copy of the report free of charge by sending a self-addressed mailing label to Ms. Glorious Harris (NAD-51), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, room 5109, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590. [Docket hours, 9:30 a.m.-4 p.m., Monday through Friday.]

**FOR FURTHER INFORMATION CONTACT:** Mr. Frank Ephraim, Director, Office of Standards Evaluation, Plans and Policy, National Highway Traffic Safety Administration, room 5208, 400 Seventh Street, SW., Washington, DC 20590 (202-366-1574).

**SUPPLEMENTARY INFORMATION:** The Uniform Tire Quality Grading Standards (UTQGS), (49 CFR 575.104), require that information about the relative performance of tires in the areas of treadwear, traction, and temperature resistance be permanently molded into tire sidewalls, indelibly stamped on a label or labels affixed to the tire tread surface, and be made available in consumer brochures. The information is provided so that consumers are aided in making informed choices when purchasing passenger car tires. Under controlled test conditions, treadwear is defined as the wear rate of a tire; traction, a tire's ability to stop on wet pavement; and temperature resistance, a tire's ability to dissipate heat.

Federal Motor Vehicle Safety Standard (FMVSS) No. 109 (49 CFR 571.109) requires that new pneumatic passenger car tires have permanently molded into both sidewalls information regarding size, maximum permissible inflation pressure, maximum load rating, cord material, number of plies in the sidewall and tread area, the words "tubeless" or "tube type," as applicable, the word "radial," if the tire is a radial ply tire, a DOT certification symbol, and manufacturer name or brand name and number. FMVSS No. 117 (49 CFR 571.117) requires each new retreaded tire have molded into its sidewalls all the information required in FMVSS No.

109 plus the words "bias," or "bias belted," as applicable. FMVSS No. 119 (49 CFR 571.119) requires each new pneumatic tire for vehicles other than passenger cars, namely, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, have molded into both sidewalls all the information required in Standard No. 109 plus information concerning speed restrictions if less than 55 mph, the word "regroovable," if the tire is designed for regrooving, and a letter designating load range rating.

Pursuant to Executive Order 12291, NHTSA is conducting an evaluation of tire labeling requirements, to determine if they assist consumers in making informed choices; assist sales people in selecting tires appropriate for customer vehicles; and air repairers and retreaders in knowing if, when, and how to repair or retread tires. Under the Executive Order, agencies review existing regulations to determine if they are achieving the Order's policy goals. The evaluation was based on telephone surveys of four statistically representative samples of potential users of the tire labeling information, namely:

- Individuals who buy tires for their privately owned vehicles (individual consumers),
- Individuals who purchase tires for fleets of vehicles (fleet buyers),
- Individuals who sell tires, and
- Individuals who repair and/or retread tires.

The individual consumers had either purchased tires six or less months prior to the telephone contact (recent consumers), or planned to purchase tires within two months of the contact (prospective consumers).

The surveys were designed to ascertain whether the members of the respondent groups knew what information is molded into tires, understood the meanings of the UTQGS terms and codes, and used UTQGS information when purchasing, selling, or repairing tires.

The principal findings of this study follow.

- Most individual consumers reported having heard of the treadwear and traction ratings (74 and 65 percents, respectively). Less than half reported having heard of the temperature resistance rating (38 percent).

- Most consumers knew the FMVSS information is molded into tires; most did not know UTQGS information is also molded into tires. Most tire sellers and repairer/retreaders knew information about both the FMVSSs and UTQGS are found on tires. Depending on the item, 50 to 92 percent of all

individual consumers reported looking for FMVSS information relating to new pneumatic tires for passenger cars on tires; 15 to 26 percent looked for UTQGS information on tires. Seventy-eight to 100 percent of the tire sellers and repairers/retreaders knew information about specific UTQGS items and FMVSS terms relating to new pneumatic tires for passenger cars, are located on tires.

- When presented with multiple choice questions regarding the definitions of one or two UTQGS terms and the relative ranking of two traction grades, more than half the respondents in all groups chose the correct definition of the temperature resistance rating (individual consumers—64 percent, fleet buyers—69 percent, sales people—78 percent, repairers/retreaders—87 percent) and the relative ranking of the traction grades (individual consumers—61 percent, fleet buyers—58 percent, sales people—84 percent, repairers/retreaders—86 percent). However, less than half of the individual consumers and fleet buyers (43 and 34 percent, respectively) chose the correct definition for traction rating.

- Consumers who planned to buy tires differed from those who recently bought them. Prospective consumers rated significantly more FMVSS and UTQGS items important in influencing their tire choices than recent consumers. More than 50 percent of the prospective buyers rated all three UTQGS and eight FMVSS items "important" or "very important"; more than 50 percent of the recent consumers rated one FMVSS item (whether or not a tire is radial) and no UTQGS items "important" or "very important."

- Fleet buyers resembled prospective consumers in that more than 50 percent of them rated information about two UTQGS ratings (treadwear and traction) and most of the FMVSS items, important in tire purchase decisions.

- Most tire retailers perceived information about two UTQGS items (treadwear and traction), and two FMVSS items (radial and tubeless/tube type) as being important to consumers in tire purchase decisions.

- Although 72 percent of the individual consumers reported looking at tires identical to the ones they were about to buy, only 22 and 26 percents, reported they would look for information about treadwear and traction, respectively, on tires.

NHTSA seeks public review of the evaluation study and invites the reviewers to submit comments. It is requested but not required that 10 copies of comments be submitted.



Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon

receiving the comments, the docket supervisor will return the postcard by mail.

(15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: February 21, 1992.

Donald C. Bischoff,

Associate Administrator for Plans and Policy.

[FR Doc. 92-4338 Filed 2-25-92; 8:45 am]

BILLING CODE 4910-59-M



## Notices

Federal Register

Vol. 57, No. 38

Wednesday, February 26, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Forms Under Review by Office of Management and Budget

February 21, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

#### Reinstatement

- Agricultural Stabilization and Conservation Service, 7 CFR part 704 and 7 CFR part 1410, Conservation Reserve Program, CRP-1, CRP-1 Appendix, CRP-1 Continuation (CRP-1A), CRP-1C, CRP-1D, CRP-1E, CRP-2, CRP-15, ASCS-893, CCC-111, 112, 113, 114, 115, 116. On occasion, Individuals or households; State or local

governments; Farms; 285,000 responses; 28,500 hours, Charles Sims, (202) 720-7334.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92-4404 Filed 2-25-92; 8:45 am]

BILLING CODE 3410-01-M

### Rural Electrification Administration

#### Associated Electric Cooperative, Inc.; Finding of No Significant Impact

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Finding of No Significant Impact related to the Rural Electrification Administration's (REA) Federal action as pertains to the construction of a 161 kV transmission line in New Madrid County, Missouri.

**SUMMARY:** Notice is hereby given that REA has reached a Finding of No Significant Impact with respect to the construction of a 161 kV transmission line in New Madrid County, Missouri. The Finding of No Significant Impact is based on an Environmental Assessment of the Union City to New Madrid 161 kV Transmission Line prepared by the Tennessee Valley Authority (TVA) and adopted by REA. REA's finding and the adoption of TVA's Environmental Assessment are made pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations (40 CFR parts 1500-1508) and the REA Environmental Policies and Procedures, 7 CFR part 1794.

Associated Electric Cooperative, Inc., (AECI) has requested approval from REA to participate with TVA in an interconnection project between AECI's New Madrid Substation and TVA's Union City Substation.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Quigel, Environmental Protection Specialist, Environmental Compliance Branch, Electric Staff Division, room 1246, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 720-1784.

**SUPPLEMENTARY INFORMATION:** The entire transmission line project entails the construction of 36.5 miles of 161 kV

transmission line and the modification of the AECI's New Madrid Substation and TVA's Union City Substation. AECI's portion of the 161 kV transmission will be 9.5 miles and TVA portion will be 27 miles. AECI will construct the transmission line from its New Madrid Substation, located near New Madrid, Missouri, to the first transmission line support structure on the east side of the Mississippi River. AECI will be responsible for the river crossing. TVA will construct the transmission line from the first support structure on the east side of the Mississippi River to a point near its Troy Substation which is located southeast of Troy, Tennessee. (TVA is presently operating a 9-mile, 69 kV transmission line between its Troy and Union City Substations that has been designed to operate at 161 kV. This line will be disconnected from the Troy Substation and tied to the new transmission line.)

Alternatives considered to constructing the project as proposed were no action, alternative routes in Missouri and Tennessee, and construction of separate projects by AECI and TVA with no interconnection.

REA has determined that the proposed project is needed by AECI to solve its system voltage problems in Southeast Missouri. The transmission line will also provide the benefits of a major transmission interconnection between two large geographic areas with the resulting improvement in reliability and new opportunities for economy energy exchange between these regions.

Copies of the Environmental Assessment and Finding of No Significant Impact are available for review at, or can be obtained from, REA at the address provided herein or from Mr. Charles S. Means, Supervisor, Environmental Services, Associated Electric Cooperative, Inc., PO Box 754, Springfield, Missouri 65801-0754.

Dated: February 13, 1992.

Approved:

George E. Pratt,

Deputy Administrator—Program Operations, Rural Electrification Administration.

[FR Doc. 92-4328 Filed 2-25-92; 8:45 am]

BILLING CODE 3410-15-M



## DEPARTMENT OF COMMERCE

## Estimates of the Voting Age Population for 1991

Under the requirements of the 1976 amendment to the Federal Election Campaign Act, title 2, United States Code, section 441a(e), I hereby give notice that the estimates of the voting age population for July 1, 1991, for each state and the District of Columbia is as shown in the following table.

I have certified these counts to the Federal Election Commission.

Dated: February 19, 1992.

R.A. Schnabel,

Deputy Secretary of Commerce.

## ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE, AND THE DISTRICT OF COLUMBIA: JULY 1, 1991

[In thousands]

	Population 18 and over
United States .....	187,033
Alabama .....	3,018
Alaska .....	391
Arizona .....	2,740
Arkansas .....	1,746
California .....	22,219
Colorado .....	2,493
Connecticut .....	2,527
Delaware .....	512
District of Columbia .....	477
Florida .....	10,280
Georgia .....	4,848
Hawaii .....	846
Idaho .....	721
Illinois .....	8,545
Indiana .....	4,144
Iowa .....	2,069
Kansas .....	1,822
Kentucky .....	2,754
Louisiana .....	3,018
Maine .....	924
Maryland .....	3,659
Massachusetts .....	4,622
Michigan .....	6,884
Minnesota .....	3,243
Mississippi .....	1,841
Missouri .....	3,818
Montana .....	585
Nebraska .....	1,158
Nevada .....	962
New Hampshire .....	824
New Jersey .....	5,919
New Mexico .....	1,089
New York .....	13,691
North Carolina .....	5,094
North Dakota .....	461
Ohio .....	8,120
Oklahoma .....	2,330
Oregon .....	2,174
Pennsylvania .....	9,132
Rhode Island .....	774
South Carolina .....	2,622
South Dakota .....	503
Tennessee .....	3,723
Texas .....	12,380
Utah .....	1,128
Vermont .....	422
Virginia .....	4,748
Washington .....	3,703
West Virginia .....	1,364
Wisconsin .....	3,644

## ESTIMATES OF THE POPULATION OF VOTING AGE FOR EACH STATE, AND THE DISTRICT OF COLUMBIA: JULY 1, 1991—Continued

[In thousands]

	Population 18 and over
Wyoming .....	323

Source: Population Estimates Branch, Bureau of the Census, Washington, DC.

For a description of methodology see Current Population Reports, Series P-25, No. 1010, February 7, 1992.

[FR Doc. 92-4249 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-07-M

## Bureau of Export Administration

## Action Affecting Export Privileges; Decision and Order

In the matter of: Instrubel NV, Westerring 19, B-9700 Oudenaarde, Belgium; OIP NV, Westerring 21, B-9700 Oudenaarde, Belgium, Respondents.

On February 22, 1992, then Assistant Secretary for Export Enforcement, Quincy M. Crosby, issued a temporary denial order (TDO) for 180 days naming Delft Instruments N.V., located in the Netherlands, also known as Oldelft, Old Delft, Olde Delft, Oude Delft (hereinafter referred to as Delft); Delft Instruments Electro-Optics, Delft Electronische Products and Optische Industrie Oude Delft; OIL Instrubel, a Delft subsidiary located in Belgium, and Franks & Co. Optik GmbH<sup>1</sup> a Delft subsidiary located in Germany, as persons temporarily denied all U.S. export privileges. 56 FR 8321 (February 28, 1991). On August 21, 1991, then Acting Assistant Secretary for Export Enforcement, Kenneth A. Cutshaw, renewed that TDO for 90 days and modified it to name specifically all of Delft's 47 subsidiaries as persons related to Delft and, as such, also denied export privileges. 56 FR 42977 (August 30, 1991).<sup>2</sup> On November 19, 1991, I renewed the TDO for an additional 90 days, limiting it, however to seven of Delft's defense-related subsidiaries. 56 FR 60085 (November 27, 1991). Without renewal, the TDO will expire on February 17, 1992.

On January 29, 1992, the Office of Export Enforcement, Bureau of Export

<sup>1</sup> Since the time the TDO was originally issued, I have learned that the correct spelling of "Franks & Co. Optik GmbH" is "Franke & Co. Optik GmbH."

<sup>2</sup> The TDO was modified again on October 19, 1991 to delete B.V. Enraf-Nonius Ermelo as a person related to Delft, based on evidence proffered by Delft that it had sold that entity. 56 FR 55491 (October 28, 1991).

Administration, United States Department of Commerce (Department), filed a request with me asking me to renew again the TDO against all seven of Delft's defense-related subsidiaries and, in addition, one recently established Delft defense-related affiliate. Since then, I have reviewed the Department's request and Delft's opposition thereto. I have also had discussions with representatives of the Department and Delft. Based thereon, I have decided to renew the TDO for 180 days with regard to only two of Delft's defense-related entities—Instrubel NV and OIP NV—because I find that such a renewal is necessary in the public interest to prevent an imminent violation of the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401-2420 (1991)) (Act).<sup>3</sup> However, with regard to Delft's other defense-related subsidiaries and affiliates, I find that such a renewal is not warranted.

Accordingly, it is hereby

## Ordered

I. Effective February 17, 1992, the TDO in effect against Delft's seven defense-related affiliates shall expire and have no effect, except that, it shall continue in effect with regard to two Delft defense-related subsidiaries. Accordingly, all outstanding validated export licenses in which INSTRUBEL NV, Westerring 19, B-9700 Oudenaarde, Belgium and OIP NV Westerring 21, B-9700 Oudenaarde, Belgium, appear or participate, in any manner or capacity, are hereby revoked.

II. Respondents INSTRUBEL NV and OIP NV, their successors, assignees, officers, partners, representatives, agents, and employees, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving commodities or technical data exported or to be exported from the United States, in whole or in part and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the Department any export

<sup>3</sup> The Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701-1706 (1991)).



license application or reexport authorization, or any document to be submitted therewith; (c) in obtaining from the Department or using any validated or general export license, reexport authorization or other export control document; (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business origination with which either INSTRUBEL NV or OIP NV is now or hereafter may be related by affiliation, ownership, control, position or responsibility, or other connection in the conduct of trade or related services.

IV. As provided for in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity, with respect to U.S.-origin commodities and technical data: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States, (b) in any reexport thereof, or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. In accordance with the provisions of § 788.19(e) of the Regulations, any respondent may, at any time, appeal this temporary denial order by filing with the Office of the Administrative Law Judge, U.S. Department of Commerce, room H-

6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order will be effective on February 18, 1992 and shall remain in effect for 180 days.

VII. In accordance with the provisions of § 788.19(d) of the Regulations the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order shall be served on each respondent and this order shall be published in the Federal Register.

Entered this 13th day of February, 1992.

Douglas E. Lavin,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 92-4325 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-DT-M

## International Trade Administration

### Export Certificate of Review

**ACTION:** Notice of application.

**SUMMARY:** The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:** George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202-377-5131. This is not a toll free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorized the Secretary of Commerce to issue Export Trade Certificate of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the Federal Register identifying the

applicant and summarizing its proposed export conduct.

### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 92-00003". A summary of the application follows.

### Summary of Application

**Applicant:** United States Apple and Pear Marketing Board, Inc. P.O. Box 70548, Seattle, Washington, 98107.

**Contact:** Wendy E. Hinman, Vice President of Government Relations, P.O. Box 70548, Seattle, WA 98107, Telephone: 206-782-4248.

**Application No.:** 92-00003.

**Date Deemed Submitted:** February 10, 1992.

**Members (in addition to applicant):** Appalachian Apple, Inc. of Mt. Jackson, VA; Applewood Orchards, Inc. of Deerfield, MI; Borton & Sons of Yakima, WA; Columbia Marketing International Corporation of Wenatchee, WA; Douglas Fruit Company of Pasco, WA; Eakin Fruit Company, Union Gap, WA; Evans Fruit Company, of Yakima, WA; Gold Digger Apples, Inc. of Oroville, WA; Green Valley Farms of Orcutt, CA; Inland Fruit Company of Wapato, WA; Jack Frost Fruit Company/Marley Orchard Corp. of Yakima, WA; Northwestern Fruit Company of Gled, WA; Price Cold Storage of Gled, WA; Rice Fruit Company of Biglerville, PA; Roche Fruit Company of Yakima, WA; Washington Apple and Pear Marketing Board of Seattle, WA.

Appalachian Apple, Inc. is a consortium of 8 companies: Fred L. Glaize partnership; Moore and Dorsey, Inc.; Ridgeway Orchards; Hearty Virginia, Inc.; Ikenberry Orchards; Buck Hill Orchards; Frederickson Orchards and Mount Clifton Fruit Co.

### Export Trade

#### (A) Products

(1) Fresh, frozen and processed fruits and vegetables, including:

(a) Deciduous fruit, including apples and pears;



(b) Stone fruit, such as apricots, cherries, nectarines, peaches, plums, and prunes;

(c) Berries, including blackberries, blueberries, cranberries, raspberries and strawberries;

(d) Citrus, including grapefruit, lemons, limes, mandarins and oranges;

(e) Grapes;

(f) Cooking and salad vegetables, including asparagus, broccoli, cabbage, carrots, cauliflower, celery, lettuce, onions, potatoes and tomatoes.

(2) Fresh, frozen and processed meat, fish and egg products.

(3) Grains and legumes.

(4) Equipment related to transportation, storage, packaging, and marketing of the products sold by the Marketing Board.

#### (B) Services

Inspection and quality control services; and marketing and promotional services.

#### (C) Technology Rights

Proprietary rights to all kinds of technology associated with Products or Services including but not limited to patents, trademarks, service marks, trade names, copyrights (including neighboring rights), trade secrets, know-how, semiconductor mask works, utility models (including petty patents), plant breeders rights, industrial designs, and sui generis forms of biotechnology protection and computer software protection.

#### (D) Export Trade Facilitation Services (as they relate to the export of Products, Services and Technology Rights)

Consulting and trade strategy; sales and marketing, export brokerage; international marketing research; international market development; overseas advertising and promotion; product research and design based on foreign buyer and consumer preferences; communication and processing of export orders; inspection and quality control; transportation; freight forwarding and trade documentation; insurance; billing of foreign buyers; collection (letters of credit and other financial instruments); any additional technical and support services needed; provision of overseas sales and distribution facilities and overseas sales staff; legal, accounting and tax assistance; management information systems development, and application; assistance and administration of Governmental Export Assistance Programs, such as the Export Enhancement and Market Promotion Programs.

#### Export Markets

The market for the goods and services to be exported by the Marketing Board will include all parts of the world except

the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and the Commonwealth of the Northern Mariana Islands) and Canada.

#### Export Trade Activities and Methods of Operation

In connection with the promotion and sale of Members' Products into the Export Markets, the Corporation may, on behalf of and with the advice and assistance of its Members:

(1) Design and execute international marketing strategies for its Export Markets;

(2) Prepare joint bids, establish export prices for Members' Products and Services and establish the terms of sale for each Export Market;

(3) Design and implement a fair and reasonable export quota system which allocates export sales, international buyers and/or export markets among Members on the basis of each Member's commitment of Products, Product availability and/or its individual marketing plan in relation to the Corporate plan;

(4) Grant sales and distribution rights for its Members' Products into designated Export Markets to foreign agents or importers. These distribution rights may or may not be exclusive. "Exclusive" means that the Corporation and Members may agree not to sell its Products into the designated Export Market through any other foreign distributor, and that the foreign distributor may agree to represent only the Corporation in the Export Market and none of its competitors;

(5) Design, develop and market a generic corporate label which will signify to the buyers in the Export Markets a premium grade export product which they can depend on to consistently meet their quality requirements and specifications. When possible, the Members will package their premium grade export Products under this corporate label;

(6) Engage in joint promotional activities directly targeted at developing and expanding existing or new Export Markets, such as: arranging trade shows and marketing trips; providing advertising services; providing brochures, industry newsletters and other forms of product, service and industry information; conducting international market and product research; contracting international marketing, advertising and promotional services; and sharing the cost of these joint promotional activities among the Members;

(7) Conduct product and packaging research and development exclusively for the export of its Members' Products, such as meeting foreign regulatory requirements and foreign buyer specifications; and identifying and designing for foreign buyer and consumer preferences;

(8) Negotiate and enter into agreements with governments and other foreign persons regarding nontariff trade barriers in the Export Markets, such as packaging requirements, establishing and operating fumigation facilities and providing specialized packing operations and other quality control procedures which must be followed by its Members in the export of its Products into the Export Markets;

(9) Advise and cooperate with agencies of the United States Government in establishing procedures regulating the export of its Members' Products, Services and/or Technology Rights into the Export Markets;

(10) Negotiate and enter into purchase agreements with buyers in the Export Markets regarding the export prices, quantities, type and quality of Products, time periods, and the terms and conditions of the sale;

(11) Broker or take title to the Products;

(12) Purchase similar or complementary Products from non-Member producers whenever necessary to fulfill sales obligations and/or provide for the needs of the buyers in the Export Markets;

(13) Solicit non-Member producers of similar or complementary Products as Members whenever the addition of said non-Member can provide future benefits for the Corporation and its Members;

(14) Communicate and process export orders;

(15) Assist each Member in maintaining the quality standards necessary to be successful in the Export Markets and to detect and stop potential export problems at the packing house;

(16) Provide Export Trade Facilitation Services with respect to Products, Services and Technology Rights;

(17) Provide, procure, negotiate, contract and administer transportation services, including overseas freight transportation, inland freight transportation from the packing house to the United States port of embarkment, leasing of transportation equipment and facilities, storage and warehousing, stevedoring, wharfage and handling, insurance, forwarder services, trade documentation and services, custom clearance, financial instruments, and foreign exchange;



(18) Negotiate advantageous freight rate contracts with individual carriers and carrier conferences either directly or indirectly through Shipper's Associations and/or freight forwarders;

(19) Arrange financing through bank holding companies, governmental financial assistance programs, etc.;

(20) Bill and collect from foreign buyers and provide accounting, tax, legal and consulting assistance and services;

(21) Enter into exclusive agreements with Non-Members to provide specific services;

(22) Design, implement and administer Foreign Sales Corporations in compliance with the Internal Revenue Code;

(23) Open and operate overseas sales and distribution offices and companies to facilitate the sales and distribution of the Members' Products in the Export Markets;

(24) Apply for and utilize applicable export assistance and incentive programs which are available within the governmental and private sectors, such as the Export Enhancement, and Market Promotion Programs;

(25) Negotiate and enter into agreements with governments and other foreign persons to develop countertrade arrangements which can be mutually beneficial for all parties, such as exploring relationships with complementary markets;

(26) Provide Members with any and all additional technical and support services which may facilitate the export of their Products;

(27) Provide buyers in the Export Markets with competitive pricing, timely quotations, market knowledge, consistent quality, teamwork, creativity, innovation, and any and all additional technical and support services which may increase the sale of its Members' Products into the Export Markets;

(28) Respond to requests from the Corporation's foreign buyer network for assistance in the procurement of equipment and machinery which might enhance the utilization and purchase of additional products from the Corporation;

(29) Refuse to deal with or provide quotations to other Export Trade Intermediaries for sales of the Members' Products into the Export Markets;

(30) Exchange information with and among the Members, and enter into and carry out agreements with and among the Members as necessary to carry out the Export Trade Services and Trade Activities including:

(a) Information about sales and marketing efforts for the Export

Markets, activities and opportunities for sales of Products into the Export Markets, selling and marketing strategies for the pricing in the Export Markets, projected demand in the Export Market for existing and new Products, customary terms of sale, prices and availability of Products from Members for sales in the Export Markets, prices and availability of Products from non-Member competitors for sales in the Export Markets, and new Products and specifications for new and existing Products by buyers and consumers in the Export Markets;

(b) Information about the price, quality, quantity, source and availability (delivery) dates of Products available from the Members for export;

(c) Information about terms and conditions of contracts for sales in the Export Markets to be considered and/or bid on by the Corporation;

(d) Information about joint bidding, selling arrangements for the Export Markets and the allocations of sales resulting from such arrangement among the Members, including information regarding the allocation methods used, such as each Member's percentage of the total committed volume of all Members;

(e) Information about expenses specific to exporting to and within the Export Markets, including without limitation, transportation, transshipments, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties or taxes;

(f) Information about United States and foreign legislation and regulations, including Federal marketing order programs which may affect sales for the Export Markets; and

(g) Information about the Corporation's or its Members' export operations, including without limitation, sales and distribution networks established by the Corporation or its Members in the Export Markets, and prior export sales by Members including export price information.

Members will independently determine the approximate quantity of each of their Products that they will make available for sale by the Corporation into the Export Markets.

Members will be responsible for advising the Corporation in a timely manner regarding the Products, quantities and periods of availability.

Members will grant the Corporation the right of first refusal for all Products they plan to export; Members can obtain permission from the Corporation to sell their Products through other Export

Intermediaries only if: (a) The Product does not meet the quality or packaging standards and requirements of the Corporation; (b) The terms of sale are not acceptable to the Member; (c) The export price is not acceptable to the Member; (d) Due to the perishability of the product, the Member must sell the Product immediately and the Corporation does not have a viable sales opportunity during the time necessary to ship.

#### Definitions

1. *Export Intermediary* means a person who acts as distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. *Member* means a person who has membership in the United States Apple and Pear Marketing Board, Inc. and who has been certified as a "Member" within the meaning of Section 325.2910 of the Regulations.

Dated: February 20, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-4335 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-DR-M

#### National Oceanic and Atmospheric Administration

##### Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council (Council) has established an Ad Hoc Committee (AHC) to consider an allocation plan for Pacific whiting in 1992. The AHC, which is composed of members from each segment of the affected industry, will hold a public meeting on March 3, 1992, beginning at 10 a.m. The AHC will review the revised allocation analysis and discuss potential social and economic costs and benefits to the various users. The AHC plans to hold this meeting in the Yakima Room at the Columbia River Red Lion, 1401 North Hayden Island Drive, Portland, OR.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW., First Avenue, Portland, OR 97201; telephone: (503) 326-6352.



Dated: February 19, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.

[FR Doc. 92-4277 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-22-M

### South Atlantic Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council (Council) will hold a public meeting of its Statement of Organization Practices and Procedures (SOPPs) Committee on March 10-11, 1992, at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC. The meeting will begin on March 10 at 1 p.m., and adjourn on March 11 at 3 p.m.

The SOPPs Committee will amend the Council's SOPPs to bring it into compliance with amendments to the Magnuson Act. Final action on revising the SOPPs will be taken at the April Council meeting.

For more information contact Carrie Knight, Public Information Officer: South Atlantic Fishery Management Council: One Southpark Circle, suite 306; Charleston, SC 29407-4699; telephone: (803) 571-4366.

Dated: February 19, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.

[FR Doc. 92-4278 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Brazil

February 21, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** February 28, 1992.

**FOR FURTHER INFORMATION CONTACT:** Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or

call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 300/301 and 317/326 are being increased by application of swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 12368, published on March 25, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 21, 1992.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 19, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1991 and extends through March 31, 1992.

Effective on February 28, 1992, you are directed to amend further the directive dated March 19, 1991, to increase the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Federative Republic of Brazil:

Category	Adjusted twelve-month limit <sup>1</sup>
Sublevels in the aggregate	
300/301.....	6,320,758 kilograms.
317/326.....	17,477,011 square meters.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after March 31, 1991.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-4416 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-DR-F

### Adjustment of Import Limits and a Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 21, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs adjusting import limits and a guaranteed access level.

**EFFECTIVE DATE:** February 28, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Categories 347/348/647/648 and 347/348 sublimit are being increased by application of swing, reducing the limit for Categories 342/642 to account for the increases. Also, the guaranteed access level is being increased for Categories 347/348/647/648.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 22402, published on May 15, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist



only in the implementation of certain of its provisions.

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

February 21, 1992.

Commissioner of Customs,

*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 9, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on June 1, 1991 and extends through May 31, 1992.

Effective on February 28, 1992, you are directed to amend further the directive dated May 9, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and the Dominican Republic:

Category	Adjusted twelve-month limit <sup>1</sup>
342/642 .....	292,486 dozen.
347/348/647/648 .....	1,217,343 dozen of which not more than 837,015 dozen shall be in Categories 347/348 and not more than 714,610 dozen shall be in Categories 647/648.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after May 31, 1991.

Further, you are directed to increase to 4,000,000 dozen the guaranteed access level for Categories 347/348/647/648. The guaranteed access level for Categories 342/642 remains unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

**Auggie D. Tantillo,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92-4415 Filed 2-25-92; 8:45 am]

BILLING CODE 3510-DR-F

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Forms Under Review by Office of Management and Budget

The Committee for Purchase from the Blind and Other Severely Handicapped has submitted requests to extend the authorization for the collection of

information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

On April 30, and May 9, 1989, the Office of Management and Budget approved the following Committee forms:

Initial Certification—Blind, Form 401.

Initial Certification—Severely Handicapped, Form 402.

Annual Certification—Blind, Form 403.

Annual Certification—Severely Handicapped, Form 404.

It is proposed to extend the authorization for the collection of information on the above forms. The information included on the forms is required to ensure that the new nonprofit agencies entering the Committee's program meet the requirements of Public Law 92-28, June 23, 1971, (44 U.S.C. 45-48c), and that participating nonprofit agencies continue to meet the requirements of the law.

The Committee's regulatory language was updated effective October 28, 1991, in order to clarify meanings and modernize references to the accepted "people first" orientation. The above forms have updated language that reflects current regulatory usage but have not been changed in any other way.

Requests for information including copies of the proposed information requests and supporting documentation should be directed to: Beverly L. Milkman, Committee for Purchase from the Blind and Other Severely Handicapped, 1755 Jefferson Davis Highway, Crystal Square 5, suite 1107, Arlington, VA 22202, telephone 703-557-1145.

Comments on the requests to extend the authorization for the reports should be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Dan Chenok.

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 92-4374 Filed 2-25-92; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Acceptance of Group Application Under Public Law 95-202 and DODD 1000.20

United States Civilian Flight Crews and Ground Support Personnel of Pan American World Airways and Its Subsidiaries and Affiliates Who Served the United States

Government Under Contracts Known as Air Transport Command and Naval Air Transport Service During World War II Between December 14, 1941 and December 31, 1945

Under the provisions of section 401, Public Law 95-202 and DOD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of the group known as: "United States Civilian Flight Crews and Ground Support Personnel of Pan American World Airways and Its Subsidiaries and Affiliates Who Served the United States Government Under Contracts Known as Air Transport Command and Naval Air Transport Service During World War II between December 14, 1941 and December 31, 1945." Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (AFPC), Washington, DC 20330-1000. Copies of documents or other materials submitted cannot be returned. For further information, contact Lt. Col. Dunlap, (703) 692-4745.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 92-4302 Filed 2-25-92; 8:45 am]

BILLING CODE 3910-01-M

#### Acceptance of Group Application Under Public Law 95-202 and DODD 1000.20; Honorably Discharged Members of the American Volunteer Guard, Eritrea Service Command During the Period June 21, 1942 to March 31, 1943 (WWII)

Under the provisions of section 401, Public Law 95-202 and DOD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of the group known as: "Honorably Discharged Members of the American Volunteer Guard, Eritrea Service Command During the Period June 21, 1942 to March 31, 1943 (WWII)." Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (AFPC), Washington, DC



20330-1000. Copies of documents or other materials submitted cannot be returned. For further information, contact LtCol Dunlap, (703) 692-4745. Patsy J. Conner, Air Force Federal Register Liaison Officer. [FR Doc. 92-4303 Filed 2-25-92; 8:45 am] BILLING CODE 3810-01-M

## Department of the Army

### Reopening of the Public Comment Period—Draft Environmental Impact Statement (DEIS) for the Disposal of Chemical Munitions Stored at Umatilla Depot Activity, OR

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of reopening of public comments period and announcement of public meeting.

**SUMMARY:** This announces the reopening of the public comment period and the holding of a public meeting for the draft site-specific EIS for the proposed chemical agent disposal facilities at Umatilla Depot Activity, Oregon. The draft site-specific EIS examines the potential impacts of the on-site incineration, alternative locations for the disposal facility on Umatilla Depot Activity and the "no-action" alternative. The "no-action" alternative is considered to be deferral of demilitarization with continued storage of agents and munitions at Umatilla Depot Activity.

**SUPPLEMENTARY INFORMATION:** The original comment period on the draft EIS was announced on October 23, 1991 (56 FR, 54841) and ended on December 9, 1991. The department of the Army has now reopened the comment period. Comments must be received by March 31, 1992, for consideration in the preparation of the Final Umatilla EIS. Comments should be forwarded in writing to the Program Manager for Chemical Demilitarization, ATTN: SAIL-PMM-N (Ms. Monica Satrape), Aberdeen Proving Ground, Maryland 21010-5401.

### Notice of Public Meetings:

A public meeting is scheduled for 7 p.m., March 17, 1992, in the Multipurpose Room at the Hermiston Senior High School, 600 South First Street, Hermiston, Oregon, to receive comments on the draft Umatilla EIS.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health), OASA (I, L&E).

[FR Doc. 92-4375 Filed 2-25-92; 8:45 am]

BILLING CODE 3710-08-M

## Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

**Name of Committee:** U.S. Army Reserve Command Independent Commission.

**Date of Meeting:** March 9, 1992 and March 10, 1992.

**Place:** 1225 Jefferson Davis Highway, suite 1410, Arlington, Virginia 22202.

**Time:** 9 a.m.-4 p.m. (each day).

**Purpose:** The Commission was established to assess the progress and effectiveness of the United States Army Reserve Command since its establishment.

**Summary of Agenda:** This is an organizational meeting for the Commission. It will provide information about the Commission's purpose, procedures and projected timelines.

The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Deborah L. Brantley,

Administrative Officer, U.S. Army Reserve Command Independent Commission.

[FR Doc. 92-4337 Filed 2-25-92; 8:45 am]

BILLING CODE 3710-08-M

## Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

**Name of the Committee:** Army Science Board (ASB).

**Dates/Time of Meeting:** 10-12 March 1992.

**Time:** 0800-1700 hours daily.

**Place:** Alexandria, VA

**Agenda:** The Land Warfare Combat Identification 1992 Summer Study Panel of the Army Science Board will meet to receive briefings on the causes of fratricide in Operations Desert Storm, and Just Cause, historical and training settings. Materiel solutions to reduce fratricide will be discussed. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-4418 Filed 2-25-92; 8:45 am]

BILLING CODE 3710-8-M

## Corps of Engineers, Department of the Army

### Inland Waterways Users Board; Meeting

**AGENCY:** Corps of Engineers, Department of the Army DoD;

**ACTION:** Notice of open meeting.

In accordance with 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

**Name of Committee:** Inland Waterways Users Board.

**Date of Meeting:** March 24, 1992.

**Place:** Perdido Beach Hilton Resort Hotel, 27200 Perdido Beach Blvd. Orange Beach, Alabama 36561, telephone: 205-981-9811.

**Time:** 8:30 a.m. to 5 p.m.

### PROPOSED AGENDA

#### Morning Session

8:30 Registration.

#### Business Session

9

- Administrative announcements.
- Chairman's call to order.
- Executive Director's comments.
- Approval of prior meeting minutes.

9:30 Trust Fund analysis.

10 Report on Corps investment needs survey.

10:30 Break.

11 Winfield Lock Construction update.

12 noon Lunch.

#### Afternoon Session

#### Presentation of Information to the Board

1:30 Mobile District Navigation Program—East GIWW, Problems and Issues.

2:30 Break.

3 WRDA 92—Project Authorization Process.

3:30 Cost—Shared Rehabilitation Program.

4 Public Comment Period.

5 Instructions to Board Staff/Adjourn.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

### FOR FURTHER INFORMATION CONTACT:

Mr. David B. Sanford, Jr., Headquarters, U.S. Army Corps of Engineers, CECW-P, Washington, DC 22314-1000, telephone (202) 272-0146.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-4304 Filed 2-25-92; 8:45 am]

BILLING CODE 3710-92-M

## Regulatory Guidance Letters Issued by the Corps of Engineers

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.



**SUMMARY:** The purpose of this notice is to provide current Regulatory Guidance Letters (RGL) to all interested parties. RGL's are used by the Corps Headquarters as a means to transmit guidance on the permit program (33 CFR parts 320-330), to its division and district engineers. Each future RGL will be published in the Notice Section of the *Federal Register* as a means to insure the widest dissemination of this information while reducing costs to the Federal Government. The Corps no longer maintains a mailing list to furnish copies of the RGL's to the public.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard, Regulatory Branch, Office of the Chief of Engineers at (202) 272-1783.

**SUPPLEMENTARY INFORMATION:** RGL's were developed by the Corps of Engineers as a system to organize and track written guidance issued to its field agencies. RGL's are normally issued as a result of evolving policy; judicial decisions and changes to the Corps regulations or another Agency's regulations which affect the permit program. RGL's are only used to interpret or clarify existing regulatory program policy, but do provide mandatory guidance to Corps district offices. RGL's are sequentially numbered and expire on a specified date. However, unless superseded by specific provisions of subsequently issued regulations or RGL's, the guidance provided in RGL's generally remains valid after the expiration date. The Corps incorporates most of the guidance provided by RGL's whenever it revises its permit regulations.

The RGL's were first published in the *Federal Register* on January 22, 1991 (56 FR 2408). There was only one RGL issued by the Corps during 1991, which was published in the notice section of the *Federal Register* on December 31, 1991 (56 FR 67604). We are hereby publishing all current RGL's, beginning with RGL 89-04 (excepting 90-01, which expired), and ending with RGL 91-1. We will continue to publish each RGL in the Notice Section of the *Federal Register* upon issuance and in early January 1993, we will again publish the complete list of all current RGL's.

Dated: January 31, 1992.

Approved:

Hugh F. Boyd, III,

Colonel, Corps of Engineers, Executive Director of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 89-04 Date: 16 Oct 89. Expires: 31 Dec 92.

**Subject:** Consideration of public comments: Mandatory public notice language.

1. The Public Notice is the primary mechanism for soliciting public comments for individual permit applications. While the public notice includes the factors that are considered in reaching permit decisions, it does not fully express how the Army Corps of Engineers will use the public comments. Doing so will help the public and interested parties provide more meaningful comments and will enhance public involvement in the decision process.

2. The district engineer shall include in public notices for all individual permit applications the following statement:

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

3. This statement shall be included in the public notice after the paragraph on evaluation factors required by 33 CFR 325.3(c).

4. This requirement shall become effective as soon as possible, but in no case later than 15 January 1990.

5. This guidance expires 31 December 1992, unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-01 Date: 24 Jan 90. Expires: 31 Dec 92.

**Subject:** Permits for Structures and Fills which affect the Territorial Seas.

1. The construction of solid fill structures and fills along the coasts may extend a State's seaward boundary under the Submerged Lands Act, 43 U.S.C. 1301-1315. Accordingly, the regulations in 33 CFR 320.4(f) require that if it is determined that such a structure or work could extend the coastline or baseline from which the territorial sea is measured, the Solicitor

of the Department of the Interior (DOI) must be contacted prior to the district issuing a permit for such structure.

2. Effective immediately, the Minerals Management Service (MMS), Outer Continental Shelf (OCS) Survey Group is to be added permanently to the public notice mailing lists of all coastal districts for all applications within coastal and ocean waters. The public notices must be sent to the MMS, OCS Survey Group, Mail Stop 625, Denver Federal Center, Building 41, Room 297B, Post Office Box 25165, Lakewood, Colorado 80225. (This requirement will be added to 33 CFR 325.3 the next time the regulations are revised.) The Solicitor of the DOI will coordinate with the district engineer if the Solicitor believes that the baseline will be affected.

3. If the Solicitor informs the district engineer that the proposed project may affect the baseline from which the territorial sea is measured, the district engineer will request a waiver from the affected state which would waive the state's interest in any increase in submerged lands caused by a change in the baseline. In the event the state refuses to grant the requested waiver and the district engineer believes that the permit should be issued, the final decision on the permit will be made by the Assistant Secretary of the Army (Civil Works) (ASA(CW)). For example, a permit for a solid fill at a naval base for national security reasons may not be contrary to the public interest even though the requested waiver is not issued by the state. In such cases, the district will complete all permit documentation including his recommendation on the permit and forward the documentation to HQUSACE, ATTN: CECW-OR.

4. This guidance expires 31 December 1992 unless sooner revised or rescinded.

For the Director of Civil Works:

John Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-03 Date: 24 Jan 90. Expires: 31 Dec 92.

**Subject:** Extension of Regulatory Guidance Letter (RGL) 87-8. RGL 87-8, subject: "Testing Requirements for Dredged Material Evaluation" is extended until 31 December 1992 unless sooner revised or rescinded.



For the Director of Civil Works:  
John P. Elmore,  
Chief, Operations, Construction and  
Readiness Division, Directorate of Civil  
Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-04 Date: 13 Mar 90. Expires:  
31 Dec 92.

*Subject:* Water Quality  
Considerations (33 CFR 320.4(d)).

1. Section 320.4(d) provides that a state's certification of compliance with applicable effluent limitations and water quality standards will be conclusive with respect to water quality considerations, unless the Environmental Protection Agency (EPA) advises the district engineer (DE) of "other water quality aspects" that he should examine.

2. The DE can usually presume that a state's water quality certification satisfies the requirements of section 401 of the Clean Water Act (CWA), 40 CFR 230.10(b)(1) and 33 CFR 320.4(d). If, however, EPA disagrees with the state's conclusions or raises water quality concerns beyond the state certification's scope, the DE shall consider EPA's objections and concerns as "other water quality aspects," as provided by 33 CFR 320.4(d). "Other water quality aspects," therefore, include water quality concerns outside the scope of the state's Section 401 certification review, indirect impacts on water quality aspects that the state certification does not address, and matters addressed in the state certification with which EPA has a different viewpoint.

3. In cases where the EPA regional Administrator advises the DE of "other water quality aspects" to be taken into consideration, the DE shall not consider the state Section 401 certification conclusive regarding water quality considerations. Although the state certification still satisfies the CWA section 401 requirement in such cases, the DE must make his own independent judgments regarding compliance with 40 CFR 230.10(b)(1) and the consideration of water quality issues in the public interest review process. In exercising his judgment, the DE shall coordinate his actions with the state certifying agency and EPA.

4. This guidance expires 31 December 1992 unless sooner revised or rescinded.

For the Director of Civil Works:  
John P. Elmore,  
Chief, Operations, Construction and  
Readiness Division, Directorate of Civil  
Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-05 Date: 13 Mar 90. Expires:  
31 Dec 92.

*Subject:* Landclearing Activities  
Subject to Section 404 Jurisdiction.

1. The purpose of this guidance is to interpret the statutory and regulatory definitions of "discharge of a pollutant" (CWA section 502(12) and 33 CFR 327.2(f)) to the effect that landclearing activities using mechanized equipment such as backhoes or bulldozers with sheer blades, rakes, or discs constitute point source discharges and are subject to section 404 jurisdiction when they take place in wetlands which are waters of the United States.

2. In *Avoyelles Sportsmen's League, Inc. v. Marsh*, 715 F.2d 897, 923-24 (5th Cir. 1983) the court stated that the term "discharge" may reasonably be understood to include "redeposit" and concluded that the term "discharge" covers the redepositing of soil taken from wetlands such as occurs during mechanized landclearing activities. Although the court in *Avoyelles* did not decide whether all landclearing activities constitute a discharge, it is our position that mechanized landclearing activities in jurisdictional wetlands result in a redeposition of soil that is subject to regulation under section 404. Some limited exceptions may occur, such as cutting trees above the soil's surface with a chain saw, but as a general rule, mechanized landclearing is a regulated activity.

3. As with any discharge subject to section 404, each case must be reviewed to determine if the discharge qualifies for a regional or nationwide permit, or for an exemption under section 404(f). This guidance is not intended to alter the exemptions for normal farming or silviculture activities under section 404(f).

4. This interpretation alters in some respects the guidance provided by previous Regulatory Guidance Letters (RGLs) on Landclearing (in particular RGL 85-4) and FOAs should exercise appropriate enforcement discretion with regard to properties whose owners have previously been informed that no permit is required for such landclearing based on the prior RGLs. The guidance in this RGL should apply to property which has not been cleared, unless the owner can demonstrate that he has committed substantial resources towards the clearing, in reliance on earlier Corps guidance, to the extent that it would be inequitable to apply this guidance.

5. This guidance expires on 31 December 1992 unless sooner modified or rescinded.

For the Director of Civil Works:  
John P. Elmore,  
Chief, Operations, Construction and  
Readiness Division, Directorate of Civil  
Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-06 Date: 14 Aug 90. Expires:  
31 Dec 93.

*Subject:* Expiration Dates for  
Wetlands Jurisdictional Delineations.

1. Recently, questions have been raised regarding the length of time that wetlands jurisdictional delineations remain valid. In light of the need for national consistency in this area, the guidance in paragraph 4(a)-(d) below is provided. This guidance is subject to the provisions in paragraphs 5., 6., and 7.

2. Since wetlands are affected over time by both natural and man-made activities, we can expect local changes in wetland boundaries. As such, wetlands jurisdictional delineations will not remain valid for an indefinite period of time.

3. The purpose of this guidance is to provide a consistent national approach to reevaluating wetlands delineations. This provides greater certainty to the regulated public and ensures their ability to rely upon wetlands jurisdictional delineations for a definite period of time.

4. (a) Written wetlands jurisdictional delineations made before the effective date of this guidance, without a specific time limit imposed in the Corps written delineation, will remain valid for a period of two years from the effective date of this Regulatory Guidance Letter (RGL).

(b) Written wetlands jurisdictional delineations made before the effective date of this guidance, with a specified time limit imposed in the Corps written delineation, will be valid until the date specified.

(c) Oral delineations (i.e., not verified in writing by the Corps) are no longer valid as of the effective date of this RGL.

(d) As specified in the 20 March 1989, Memorandum of Agreement Between the Department of the Army and the Environmental Protection Agency Concerning the Determination of the Geographic Jurisdiction of the Section 404 Program and the Application of the Exemptions Under Section 404(f) of the Clean Water Act (MOA), all wetlands jurisdictional delineations (including those prepared by the project proponent or consultant and verified by the Corps) shall be put in writing. Generally this should be in the form of a letter to the project proponent. The Corps letter shall include a statement that the wetlands jurisdictional delineation is valid for a



period of three years from the date of the letter unless new information warrants revision of the delineation before the expiration date. Longer periods, not to exceed five years, may be provided where the nature and duration of a proposed project so warrant. The delineation should be supported by proper documentation. Generally the project proponent should be given the opportunity to complete the delineation and provide the supporting documentation subject to the Corps verification. However, the Corps will complete the delineation and documentation at the project proponent's request, consistent with other work priorities.

5. The guidance in paragraph 4 (a)-(b) above does not apply to completed permit applications [33 CFR 325.1(d)(9)] received before the effective date of this RGL, or where the applicant can fully demonstrate that substantial resources have been expended or committed based on a previous Corps jurisdictional delineation (e.g., final engineering design work, contractual commitments for construction, or purchase or long term leasing of property will, in most cases, be considered a substantial commitment of resources). However, district engineers cannot rely upon the expenditure or commitment of substantial resources to validate an otherwise expired delineation for more than five years from the expiration dates noted in paragraph 4 (a)-(b). At the end of the five year period a new delineation would be required. In certain rare cases, it may be appropriate to honor a previous oral wetlands delineation when the applicant can fully demonstrate a substantial expenditure or commitment of resources. However, the presumption is that oral delineations are not valid and acceptance of such must be based on clear evidence and equities of the particular case. This determination is left to the discretion of the district engineer.

6. When making wetlands jurisdictional delineations it is very important to have complete and accurate documentation which substantiates the Corps decision (e.g., data sheets, etc.). Documentation must allow a reasonably accurate replication of the delineation at a future date. In this regard, documentation will normally include information such as data sheets, maps, sketches, and in some cases surveys.

7. This guidance does not alter or supersede any provisions of law, regulations, or any interagency agreement between Army and EPA. Further, this guidance does not impair

the Corps discretion to revise wetlands jurisdictional delineations where new information so warrants.

8. Each district shall issue a public notice on this guidance no later than 1 September 1990. The public notice shall contain the full text of this RGL.

9. This guidance expires on 31 December 1993 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-07 Date: 26 Sep 90. Expires: 31 Dec 93.

Subject: Clarification of the Phrase "Normal Circumstances" as it pertains to Cropped Wetlands.

1. The purpose of this regulatory guidance letter (RGL) is to clarify the concept of "normal circumstances" as currently used in the Army Corps of Engineers definition of wetlands (33 CFR 328.3(b)), with respect to cropped wetlands.

2. Since 1977, the Corps and the Environmental Protection Agency (EPA) have defined wetlands as:

areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions \* \* \* (33 CFR 328.3(b)) (emphasis added).

While "normal circumstances" has not been defined by regulation, the Corps previously provided guidance on this subject in two expired "normal circumstances" RGLs (RGLs 82-2 and 86-9). These RGLs did not specifically deal with the issue of wetland conversion for purpose of crop production.

3. When the Corps adopted the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Manual) on 10 January 1989, the Corps chose to define "normal circumstances" in a manner consistent with the definition used by the Soil Conservation Service (SCS) in its administration of the Swampbuster provisions of the Food Security Act of 1985 (FSA). Both the SCS and the Manual interpret "normal circumstances" as the soil and hydrologic conditions that are normally present, without regard to whether the vegetation has been removed (7 CFR 12.31(b)(2)(i)) (Manual page 71).

4. The primary consideration in determining whether a disturbed area qualifies as a section 404 wetland under "normal circumstances" involves an

evaluation of the extent and relative permanence of the physical alteration of wetlands hydrology and hydrophytic vegetation. In addition, consideration is given to the purpose and cause of the physical alterations to hydrology and vegetation. For example, we have always maintained that areas where individuals have destroyed hydrophytic vegetation in an attempt to eliminate the regulatory requirements of section 404 remain part of the overall aquatic system, and are subject to regulation under section 404. In such a case, where the Corps can determine or reasonably infer that the purpose of the physical disturbance to hydrophytic vegetation was to avoid regulation, the Corps will continue to assert section 404 jurisdiction.

5. The following guidance is provided regarding how the concept of "normal circumstances" applies to areas that are in agricultural crop production:

a. "Prior converted cropland" is defined by the SCS (section 512.15 of the National Food Security Act Manual, August 1988) as wetlands which were both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before 23 December 1985, to the extent that they no longer exhibit important wetland values. Specifically, prior converted cropland is inundated for no more than 14 consecutive days during the growing season. Prior converted cropland generally does not include pothold or playa wetlands. In addition, wetlands that are seasonally flooded or ponded for 15 or more consecutive days during the growing season are not considered prior converted cropland.

b. "Farmed wetlands" are wetlands which were both manipulated and cropped before 23 December 1985, but which continue to exhibit important wetland values. Specifically, farmed wetlands include cropped potholes, playas, and areas with 15 or more consecutive days (or 10 percent of the growing season, whichever is less) of inundation during the growing season.

c. The definition of "normal circumstances" found at page 71 of the Manual is based upon the premise that for certain altered wetlands, even though the vegetation has been removed by cropping, the basic soil and hydrological characteristics remain to the extent that hydrophytic vegetation would return if the cropping ceased. This assumption is valid for "farmed wetlands" and as such these areas are subject to regulation under section 404.

d. In contrast to "farmed wetlands", "prior converted croplands" generally have been subject to such extensive and



relatively permanent physical hydrological modifications and alteration of hydrophytic vegetation that the resultant cropland constitutes the "normal circumstances" for purposes of section 404 jurisdiction. Consequently, the "normal circumstances" of prior converted croplands generally do not support a "prevalence of hydrophytic vegetation" and as such are not subject to regulation under section 404. In addition, our experience and professional judgment lead us to conclude that because of the magnitude of hydrological alterations that have most often occurred on prior converted cropland, such cropland meets, minimally if at all, the Manual's hydrology criteria.

e. If prior converted cropland is abandoned (512.17 National Food Security Act Manual as amended, June 1990) and wetland conditions return, then the area will be subject to regulation under section 404. An area will be considered abandoned if for five consecutive years there has been no cropping, management or maintenance activities related to agricultural production. In this case, positive indicators of all mandatory wetlands criteria, including hydrophytic vegetation, must be observed.

f. For the purposes of section 404, the final determination of whether an area is a wetland under normal circumstances will be made pursuant to the 19 January 1989 Army/EPA Memorandum of Agreement of geographic jurisdiction. For those cropped areas that have previously been designated as "prior converted cropland" or "farmed wetland" by the SCS, the Corps will rely upon such a designation to the extent possible. For those cropped areas that have not been designated "prior converted cropland" or "farmed wetland" by the SCS the Corps will consult with SCS staff and make appropriate use of SCS data in making a determination of "normal circumstances" for section 404 purposes. Although every effort should be made at the field level to resolve Corps/SCS differences in opinion on the proper designation of cropped wetlands, the Corps will make the final determination of section 404 jurisdiction. However, in order to monitor implementation of this RGL, cases where the Corps and SCS fail to agree on designation of prior converted cropland or farmed wetlands should be documented and a copy of the documentation forwarded to CECW-OR.

6. This policy is applicable to section 404 of the Clean Water Act only.

7. This guidance expires 31 December 1993 unless sooner revised or rescinded.

For the Commander:

Patrick J. Kelly,

Major General, USA, Director of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-08 Date: 14 Dec 90. Expires 31 Dec 93.

Subject: Applicability of Section 404 to Pilings.

1. The purpose of this Regulatory Guidance Letter (RGL) is to provide additional guidance on the applicability of section 404 to certain categories of projects constructed with pilings in waters of the United States. This RGL represents a clarification and revision to RGL 88-14, which addresses this same subject. Therefore, effective on the date of this RGL, RGL 88-14 is rescinded.

2. For some years, the Army Corps of Engineers, as a matter of policy, has taken the position that pilings do not ordinarily constitute fill material and that the placement of pilings do not ordinarily constitute a discharge of fill material under the Clean Water Act (CWA; see RGL 88-14). Under RGL 88-14, however, the Corps recognized that "in the situation where piles are used in a manner essentially equivalent to fill material in effect, purpose and function they should be treated as fill material under the section 404 program." Historically, pilings were generally used for traditional pile-supported structures such as docks and bridges where the effect, purpose, and function of the pilings were not to replace an aquatic area with dry land or to change the bottom elevation of a waterbody. More recently, however, circumstances have changed, with pilings being used as a substitute for fill material. That is, there is increasing reliance on construction methods involving the use of pilings in place of fill, often at additional cost, in order to avoid regulation under the CWA section 404. The intent of this RGL is to clarify the application of requirements in the existing Corps regulations to these new circumstances involving the use of pilings in waters of the United States.

3. The Corps regulatory definitions of "fill material" and "discharge of fill material" (33 CFR 323.2 (e) and (f)) are clearly broad enough to capture the placement of pilings in waters of the United States as a discharge that could be regulated in certain specific circumstances. Projects involving pilings meet the definition of "fill" when they have the physical effect or functional use and effect of fill; that is, pilings may be regulated when they constitute the equivalent "of replacing an aquatic area with dry land or changing the bottom elevation of a waterbody." As was explained in RGL 88-14, pilings may

have this function or effect when they are placed so as to facilitate sedimentation, or are placed so densely that they in effect displace a substantial percentage of the water in the project area.

In addition, pilings have the physical effect or functional use of fill, and will be regulated as fill, in circumstances where a structure is placed on top of the pilings in such a manner as to constitute the functional equivalent of fill; or where pilings are placed for the same basic purposes as fill; or where pilings have essentially the same effects as fill (i.e., replaces an aquatic area with dry land or changes the bottom elevation of a waterbody). Similarly, the placement of pilings in waters of the United States may, in certain specific circumstances, be regulated as a "discharge of fill material" under the current regulations.

4. Therefore, based on current regulations, the placement of pilings in waters of the United States will require authorization under section 404 when such placement is used in a manner essentially equivalent to a discharge of fill material in physical effect or functional use and effect. Examples include, but are not limited to, the following activities in waters of the United States:

a. Physical Effect of Fill: Projects that in effect replace an aquatic area or change the bottom elevation of a waterbody as a result of the placement of pilings that are so closely spaced that sedimentation rates are increased or the pilings themselves essentially replace the bottom will be regulated under CWA section 404. This circumstances would include pilings placed in waters of the United States for dams, dikes, other structure utilizing densely spaced pilings, or as a foundation for large structures.

b. Functional Use and Effect of Fill: Construction projects will be regulated under CWA section 404 where pilings serve essentially the same functional use as a solid fill foundation, and where the project would result in essentially the same effects as fill (e.g., alter flow or circulation of the waters, bring the area into a new, non-aquatic use, or significantly alter or eliminate aquatic functions and values). Regulated activities include the placement of pilings to facilitate the construction of office and industrial developments, parking structures, restaurants, stores, hotels, multi-family housing projects, and similar structures in waters of the United States.

5. Placement of pilings in waters of the United States will, as in the past, not be regulated under section 404 in



circumstances involving linear projects such as bridges, elevated walkways, or powerline structures, since pile-supported structures have traditionally been used in these circumstances to cross waters of the United States, and have not substantially harmed or eliminated aquatic functions and values. Similarly, placement of pilings will not be regulated under section 404 in circumstances that involve structures that have traditionally been constructed on pilings; examples are piers, boathouses, wharves, marinas, lighthouses, and individual houses built on stilts solely to reduce the potential of flooding (e.g., beach houses where road access is on uplands, but the house may be located in a low area necessitating construction on stilts).

6. We believe that it is appropriate to regulate projects placed on pilings, as provided for in paragraph 4. above, because of the effect the projects have on the aquatic environment and because they are essentially equivalent to solid-fill supported projects in purpose, effect, and/or function. Moreover, we have noted an increasing incidence of cases where large-scale construction projects originally, and typically, designed to be built on fill material have been re-designed for pile supports solely for the purpose of evading section 404 regulation.

7. For any proposed pile-supported project where the proponent has relied on earlier Corps guidance to conclude reasonably that a project is not covered by section 404, and has committed substantial resources to the degree that it would be unreasonable and inequitable for the Corps to assert section 404 jurisdiction based on this RGL, the District should not assert section 404 jurisdiction. In cases where a project proponent has been provided a specific answer by the Corps, in writing, that a pile-supported structure will not require a section 404 permit, the District will not require a section 404 permit.

8. As with all determinations regarding whether a proposed activity requires a section 404 permit, the Corps is solely responsible for the decision.

9. This guidance expires 31 December 1993 unless sooner revised or rescinded.

For the Commander:

Patrick J. Kelly,

Major General, USA, Director of Civil Works.

#### Regulatory Guidance Letter (RGL)

RGL 90-09 Date: 17 Dec 90. Expires: 31 Dec 93.

Subject: Wetlands Enforcement Initiative.

1. Enclosed is a joint Environmental Protection Agency/Army memorandum

which establishes a wetlands enforcement initiative, and provides guidance on judicial civil and criminal enforcement priorities.

2. The memorandum describes the level of participation and schedule that will be followed during the initiative. As stated in the memo, Corps Headquarters will not be involved in decisions about filing suits, but will select the Corps cases for the initiative.

3. The guidance on priorities will be followed as standard operating practice for judicial civil and criminal cases. The guidance was developed to promote consistency in the manner in which the provisions of the Clean Water Act are enforced. Those enforcement actions outside the purview of the Clean Water Act (i.e. section 10 only cases) should continue, and are to be included in the prioritization process using the general concepts provided in the guidance.

4. This guidance expires on 31 December 1993 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore,

Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

#### Memorandum

Subject: Wetlands Enforcement Initiative, 12 Dec 1990.

From: James M. Strock, Assistant Administrator for Enforcement; Lajuana S. Wilcher, Assistant Administrator for Water; G. Edward Dickey, Acting Assistant Secretary for the Army (Civil Works).

To: Regional Administrators, Director of Civil Works.

We are seeking the participation of EPA Regions and Corps Districts in an enforcement initiative to protect wetlands. The Wetlands Enforcement Initiative is designed to emphasize the Federal government's commitment to Clean Water Act section 404 enforcement, to generally educate the regulated community and the public at large about the requirements of the section 404 program and the importance of wetlands, and to publicize Clean Water Act violations involving the unauthorized discharge of dredged or fill material. EPA and the Department of the Army have placed high priority on protecting this Nation's wetlands and recognize that an active section 404 enforcement program is one important wetlands protection tool.

The Wetlands Enforcement Initiative will be similar to EPA's FY89 municipal pretreatment enforcement initiative under the Clean Water Act. That initiative concluded with the filing of

several important cases and a major Agency press release and press conference. We are proposing to publicize the Wetlands Enforcement Initiative in two phases. The first "wave" of publicity is planned for April 1991. It will announce the Initiative and highlight appropriate section 404 enforcement actions initiated or resolved over the previous 12 months. We also hope to file a "cluster" of section 404 cases at that time if such a filing does not unduly interfere with the normal flow of cases.

By alerting the regulated community, as well as the general public, to the Federal government's commitment to section 404 enforcement, this Spring announcement is also intended to provide an early deterrent to potential violations which might otherwise occur during the 1991 Spring and Summer construction season. The second "wave" of publicity is scheduled for October 1991 and will highlight appropriate section 404 enforcement actions initiated or resolved during FY91, including cases resulting from investigations conducted during the Springfield season. We also hope to have a second "cluster" filing at that time. Each announcement will consist of a joint EPA/Army/Department of Justice (DOJ) press release and press conference. In the press release, we will acknowledge section 404 administrative compliance orders, cease and desist orders, administrative penalty orders and judicial cases initiated or resolved by the Regions and Districts during the covered time period. At the press conferences, we will highlight those administrative and judicial cases that best serve to illustrate the Initiative's goals.

The Wetlands Enforcement Initiative will include cases involving both unpermitted discharges of dredged or fill material into wetlands and discharges in violation of the conditions in a section 404 permit. Regions and Districts will have flexibility to decide which enforcement actions are most appropriate to support the Initiative. In making enforcement decisions, Regions and Districts should consider: The "EPA/Army Guidance on Judicial Civil and Criminal Enforcement Priorities;" the "Clean Water Act Section 404 Civil Administration Penalty Settlement Guidance and Appendices;" the Clean Water Act Section 404 Enforcement Memorandum of Agreement; and the additional guidance discussed below, and should focus on the most significant violators/violations in each of the Regions or Districts.



While this initiative focuses on wetlands protection, section 404 enforcement actions involving unpermitted discharges and violations of 404 permit conditions to other waters of the United States can be included. We suggest, however, that, where possible, the Regions and Districts focus on enforcement actions which have one or more of the following elements.

- A discharge into a wetland that is identified on the Region's Priority Wetland List or is an important and/or threatened area in the Region or District;
- A case which will have high deterrence value in the Region, District or Nation, e.g., a particular industry, business or land development entity which engaged in unauthorized discharges of dredged or fill material.
- A discharge by a repeat or flagrant violator, e.g., someone who engaged in an unauthorized discharge activity after being denied a section 404 permit or withdrawing a permit application for such activity.

The above list is not intended to exclude other cases of importance.

As noted above, the Wetlands Enforcement Initiative will consist of cease and desist orders, administrative compliance orders, administrative penalty actions and civil judicial referrals. In addition, appropriate criminal actions, which have been approved in accordance with each agency's procedures for criminal referrals, may also be included in the press announcements. Because Regions and Districts follow different procedures in initiating enforcement responses, we have provided two separate schedules for implementing this Initiative.

#### EPA Regions

We propose that the Regions issue section 309(a) administrative compliance orders and section 309(g) administrative penalty complaints on the schedule described below. Administrative compliance orders and administrative penalty orders are not subject to Headquarters concurrence (with the exception of those Regions that have not fulfilled Headquarters concurrence requirements concerning the requisite number of section 309(g) complaints and consent agreements). Headquarters will review section 309(g) complaints and consent agreements, however, for the purpose of determining whether such orders should be highlighted in Initiative press activities.

We ask that the Regions submit case referrals by no later than February 15, 1991, for the April announcement and by

August 1, 1991 for the October 1991 announcement. We do not intend, however, to delay the processing of referrals submitted earlier. Each Region should submit one or more civil judicial referrals and should also issue administrative compliance orders and administrative penalty orders as appropriate. After receipt of the referral packages, the Regions, Headquarters and DOJ, in consultation with the Army, will decide if suits should be filed simultaneously or in some other coordinated manner, as indicated in the following schedule:

1. Headquarters/Regional conference calls to discuss Call Letter.....Dec. 18, 1990
2. Regions submit to Headquarters a list and brief description and schedule for candidate enforcement actions.....Jan. 8, 1991
3. Headquarters/Regional conference call to discuss candidate cases and confirm schedules for candidate enforcement actions.....Jan. 22, 1991
4. Deadline for Regions to submit referrals to Headquarters for April filing.....Feb. 15, 1991
5. Deadline for Regions to issue administrative compliance orders, administrative consent orders and administrative penalty complaints (copies of issued compliance orders, consent orders and administrative penalty complaints should be supplied to Headquarters after issuance).....Mar. 23, 1991
6. Headquarters completes coordination of national communications strategy with Regions, Army and DOJ for April announcement.....April 1, 1991
7. Likely judicial case filing dates.....April 23, 1991
8. Joint press release and/or joint press conference held.....April 23, 1991
9. Regions submit to Headquarters a list and brief description and schedule for candidate enforcement actions for October announcement.....June 14, 1991
10. Headquarters coordinates with Regions and confirms schedules for candidate enforcement actions.....July 1, 1991
11. Deadline for Regions to submit civil judicial referrals to Headquarters for October filing.....Aug. 1, 1991
12. Deadline for Regions to issue administrative compliance orders, administrative consent orders and administrative penalty complaints (copies of issued compliance and consent orders and administrative penalty complaints should be supplied to Headquarters after issuance).....Sept. 13, 1991
13. Headquarters completes coordination of national communications strategy with Regions, Corps and DOJ for October announcement.....Sept. 20, 1991
14. Likely judicial case filing date.....Oct. 15, 1991

15. Joint press release and/or joint press conference held.....Oct. 15, 1991

We request that each Region complete the attached form on cases that are candidates for inclusion in the Wetlands Enforcement Initiative, and submit the forms to Hazel Groman of the Office of Wetlands Protection and Elyse DiBiagio-Wood of the Office of Enforcement by January 8, 1991 or June 14, 1991, as appropriate. Headquarters staff assigned to the Initiative and available to answer questions include Hazel Groman, OWP, FTS 475-8798, and Elyse DiBiagio-Wood, OE-Water, FTS 475-8187.

#### Corps Districts

Unlike EPA, Corps Headquarters will not participate in the decision as to which suits should be filed. The initiative is not intended to affect ongoing Corps enforcement activities. Districts should continue to employ all enforcement options, as discussed in the attached joint guidance letter. For purposes of the Initiative, however, we ask that each District submit two planned or pending enforcement actions for each phase of the Initiative which, in the District's opinion, target particularly egregious violations. We will then decide which cases are proper candidates to be publicized at the joint press conference. The Districts should submit their actions in accordance with the following schedule:

1. Districts submit to Headquarters two planned or pending enforcement actions to be included in the April announcement.....Feb. 4, 1991
2. Headquarters coordinates with Districts and confirms schedules for enforcement actions.....March 5, 1991
3. Headquarters completes coordination of national communications strategy with EPA and DOJ.....April 1, 1991
4. Joint press release and/or joint press conference.....April 23, 1991
5. Districts submit to Headquarters two planned or pending enforcement actions to be included in the October announcement.....July 2, 1991
6. Headquarters coordinates with Districts and confirms schedules for enforcement actions.....Aug. 20, 1991
7. Headquarters completes coordination of national communications strategy with EPA and DOJ.....Sept. 20, 1991
8. Joint press release and/or joint press conference.....Oct. 15, 1991

We request that each District complete the attached form on cases that it believes should be publicized in the Enforcement Initiative, and submit the form, in duplicate, to Jack Chowning, HQUSACE, CECW-OR by February 4,



1991 and July 2, 1991. Headquarters staff available to answer questions regarding the Initiative include Jack Chowning, 272-1781, and Martin Cohen, HQUSACE, CECC-K, 272-0027.

We realize that the above schedule will require a large effort by Regional and District offices. However, we believe that the Initiative is critical to the priority goal of the agencies to protect wetlands, and greatly appreciate your continued support of the Initiative. We will make Headquarters personnel available to assist the Regions and Districts.

#### Attachment

cc: Regional Counsels

Directors, Water Mgmt Div., Regs. I, II, IV, V, VIII, IX and X

Directors, Env'l Services Div., Regs. III and VI

Ass't Regional Administrator, Policy and Management, Reg. VII

Margaret Strand, Chief, Environmental Defense Sec., DOJ

John Studdt, Chief, Regulatory Branch, COE

Pat Alberico, OCE

Fred Stiehl, OE-Water

Dave Davis, OWP

Martin Cohen, Assistant Chief Counsel for Litigation, Office of the Chief Counsel, USACE

United States Environmental Protection Agency

United States Department of the Army

#### Guidance on Judicial Civil and Criminal Enforcement Priorities

##### Background

This document provides guidance to the Environmental Protection Agency (EPA) Regions and Army Corps of Engineers Districts on enforcement priorities for unauthorized discharges of dredged or fill material in waters of the United States in violation of section 301 of the Clean Water Act (CWA). Unauthorized discharges include both discharges that are unpermitted and discharges that violate permit terms or conditions.

The guidance enumerates factors enforcement personnel should consider when deciding whether to refer a case for judicial action.

By providing this guidance, EPA and the Army intend to encourage consistency in the manner in which we enforce the CWA's requirements nationally, protect the integrity of the section 404 regulatory program, and direct limited program resources in a manner that produces the most beneficial environmental results.

Options to address CWA violations include: no action, voluntary

compliance, cease and desist orders, EPA administrative compliance orders, interim measures designed to protect the aquatic ecosystem from further damage, after-the-fact permits, administrative penalty orders, and civil and criminal judicial actions. This guidance discusses priorities for civil and criminal judicial actions only. By defining priorities for judicial actions, EPA and the Army do not intend to suggest that the agencies limit their use of these or any other enforcement options. In fact, the agencies should continue the use of all enforcement options whether in conjunction with or instead of civil and criminal proceedings.

#### Civil and Criminal Enforcement Priorities

##### A. Civil Judicial Cases

Decisions on whether to refer a civil action to the Department of Justice must be on a case-by-case basis, and the absence or presence of one or more of the following factors should not necessarily dictate a decision regarding a particular case. Nevertheless, enforcement personnel should consider the following factors when deciding whether to refer a civil action:

1. Quality of the waters affected. Enforcement personnel should determine, to the extent practicable, what functions and values the waters performed prior to the unauthorized discharge. Regions and Districts should give priority to violations that affect wetlands and other special aquatic sites.

2. Impact of the discharge. Enforcement personnel should determine, to the extent practicable, the amount and content of the discharge, the number of acres affected by the discharge, and the discharge's direct and indirect effects. Priority should be given to those discharges that have an especially deleterious effect on wetlands functions or values, that affect a large area of wetlands or other waters, or that are widespread and have significant cumulative effects. These would include unauthorized discharges with significant adverse effects on aquatic ecosystem diversity, productivity, and stability such as loss of fish or wildlife habitat or loss of the capacity of a wetland to assimilate nutrients, purify water, or reduce wave energy. Judicial enforcement action would normally be appropriate, for example, for unauthorized discharges that cause or contribute to violations of state water quality standards; violate any applicable toxic effluent standard or prohibition under section 307 of the CWA; or jeopardize endangered or threatened species and their designated

critical habitat. Judicial enforcement action should be considered for any case where unauthorized discharges did or may cause or contribute to significant adverse environmental impacts.

3. Culpability of violator. Enforcement personnel should consider the violator's prior compliance history when determining what type of enforcement action is appropriate. Priority should be given to violators with a history of noncompliance and those who commit knowing violations. The violator's experience with the program and whether he or she had been the subject of previous enforcement actions are considerations. In general, repeat violators warrant judicial action, regardless of whether the violations occurred on the same site or on different sites. Repeat violations, however, are not a prerequisite for referring a civil case to the Department of Justice.

4. Deterrence value. Enforcement personnel should consider the extent to which the violation is flagrant, visible, and well-publicized. If there are a number of violations within a particular geographic area or industry, civil judicial action against one or more of the violators can provide excellent deterrence. The agencies should refer for civil action a case against any violators whose actions, if left unpunished, would have the effect of jeopardizing the integrity of the section 404 program in the area where the violation occurred.

5. Benefit from the violation. Enforcement personnel should consider the economic benefit a violator derived from the unauthorized discharge. Because administrative penalties are limited, when a violator has obtained a significant economic benefit from the discharge, a civil judicial action may be the only enforcement option that can effectively recover that benefit.

6. Equitable considerations. In addition to the above five factors, the Regions and Districts will want to anticipate and evaluate the strength of any equitable considerations likely to be raised by potential defendants. Priority should be given to recent and ongoing violations. Regions and Districts should also take into account, as appropriate, when the Region and/or District learned of the violation, and whether timely administrative attempts to achieve compliance were unsuccessful and a civil referral is the only available means to obtain needed injunctive relief.

Another equitable consideration is whether the violator received misinformation from the federal government as to whether the discharge required a section 404 permit. Based on



existing case law, the federal government can only rarely and in very limited circumstances be barred from enforcing its laws. At the same time, an important goal of federal enforcement, including section 404 enforcement, is fair and equitable treatment of the regulated community. As a result, the Regions and Districts will need to carefully consider the appropriateness of initiating a civil suit in cases where the violator may have reasonably relied on a federal official's misrepresentations regarding the need for a section 404 permit. This includes situations where the violator was led to believe that the activity did not constitute a discharge, that the discharge did not take place in waters of the United States, or that a general permit covered the discharge. When determining whether the violator's reliance was reasonable, enforcement personnel should assess such factors as whether the misrepresentations were made by EPA or the Corps, the two federal agencies charged with implementing the section 404 program, or another federal agency; whether the misrepresentations were communicated to the violator in writing or were merely oral statements; the extent of the violator's familiarity with the section 404 program; and whether the violator knew, should have known, or with reasonable diligence could have determined, that the representations were erroneous.

The first two factors listed above center upon the environmental effects of the violation. Special attention should be paid both to violations that damage large areas of wetlands and those that impair valuable wetlands, no matter what their size. The next three factors are intended to protect the integrity of the section 404 program by focusing enforcement priorities first on individuals or violations which show disdain for the law and on those who seek to benefit from circumvention of the law.

#### B. Criminal Cases

With regard to the discharge of dredged or fill material, section 309(c) of the CWA provides criminal penalties for four separate offenses. First, anyone who negligently violates section 301 (e.g., engaging in unauthorized discharges) or who negligently violates the requirements of a section 404 permit may be criminally liable. Second, anyone who knowingly violates section 301 or the requirements of a section 404 permit may also be subject to criminal liability. Third, any person who violates section 301 or the conditions of a section 404 permit and, in doing so, knowingly endangers another person may be

subject to criminal penalties. Finally, section 309(c) provides criminal sanctions for persons who knowingly make false material statements regarding a section 404 permit.

In some instances a violation will involve circumstances which indicate that a criminal prosecution may be in order. Such circumstances should be underscored when the case is referred to the Department of Justice. Ultimately, Justice must exercise its discretion as to whether or not to proceed criminally in any case. If there is a possibility of criminal prosecution, field personnel should pay special attention to evidentiary matters such as sample preservation, content of statements to and from any potential defendant, good photographs, and chain of custody.

This document provides internal guidance for field personnel regarding the exercise of their enforcement discretion. Accordingly, this document creates no rights in third parties.

For the Environmental Protection Agency:

/S/ David G. Davis, Director Office of Wetlands Protection.

Dated: 12/7/90

/S/ Frederick F. Stiehl, Associate Enforcement Counsel for Water.

Dated: 12-10-90

For the Department of the Army:

/S/ John P. Elmore, Chief, Operations, Construction and Readiness Division, Directorate of Civil Works.

Dated: 2/12/90

#### Regulatory Guidance Letter (RGL)

RGL 91-1 Date: Dec. 31, 1991,  
Expires: Dec. 31, 1996.

Subject: Extensions of Time For Individual Permit Authorizations.

1. The purpose of this guidance is to provide clarification for District and Division offices relating to extensions of time for Department of the Army permits (See 33 CFR 325.6).

2. *General:* A permittee is informed of the time limit for completing an authorized activity by General Condition #1 of the standard permit form (ENG Form 1721). This condition states that a request for an extension of time should be submitted to the authorizing official at least one month prior to the expiration date. This request should be in writing and should explain the basis of the request. The DE may consider an oral request from the permittee provided it is followed up with a written request prior to the expiration date. A request for an extension of time will usually be granted unless the DE determines that the time extension would be contrary to the public interest.

The one month submittal requirement is a workload management time limit designed to prevent permittees from filing last minute time extension requests. Obviously, the one month period is not sufficient to make a final decision on all time extension requests that are processed in accordance with 33 CFR 325.2. It should be noted that a permittee may choose to request a time extension sooner than this (e.g., six months prior to the expiration date). While there is no formal time limit of this nature, a request for an extension of time should generally not be considered by the DE more than one year prior to the expiration date. A permit will automatically expire if an extension is not requested and granted prior to the applicable expiration date (See 33 CFR 325.6(d)).

3. *Requests for time extensions prior to expiration:* For requests of time extensions received prior to the expiration date, the DE should consider the following procedures if a decision on the request cannot be completed prior to the permit expiration date:

(a) The DE may grant an interim time extension while a final decision is being made; or

(b) The DE may, when appropriate, suspend the permit at the same time that an interim time extension is granted, while a final decision is being made.

4. *Requests for time extensions after expiration:* A time extension cannot be granted if a time extension request is received after the applicable time limit. In such cases, a new permit application must be processed, if the permittee wishes to pursue the work. However, the DE may consider expedited processing procedures when: (1) The request is received shortly (generally 30 days) after the expiration date, (2) the DE determines that there have been no substantial changes in the attendant circumstances since the original authorization was issued, and (3) the DE believes that the time extension would likely have been granted. Expedited processing procedures may include, but are not limited to, not requiring that a new application form be submitted or issuing a 15 day public notice.

5. This guidance expires 31 December 1996 unless sooner revised or rescinded.

For the Director of Civil Works:

John P. Elmore, P.E.

Chief, Operations, Construction and Readiness Division Directorate of Civil Works.

[FR Doc. 92-4306 Filed 2-25-92; 8:45 am]

BILLING CODE 3710-92-M



**DEPARTMENT OF EDUCATION****Proposed Information Collection Requests****AGENCY:** Department of Education.**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** Interested persons are invited to submit comments on or before March 27, 1992.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Wallace R. McPherson (202) 708-5174.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R.

McPherson, Jr. at the address specified above.

Dated: February 20, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

**Office of Vocational and Adult Education**

*Type of Review:* Revision

*Title:* Application for Vocational Direct Grant Programs

*Frequency:* Annually

*Affected Public:* Individuals or households; state or local governments; non-profit institutions

*Reporting Burden:*

*Responses:* 469

*Burden Hours:* 42,210

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

*Abstract:* This form will be used to apply for funds under the Carl D. Perkins Vocational and Applied Technology Education Act. The Department uses the information to make grant awards.

**Office of Vocational and Adult Education**

*Type of Review:* Revision

*Title:* Carl D. Perkins Vocational and Applied Technology Education Act of 1990—State Plan

*Frequency:* Triennial

*Affected Public:* State or local governments

*Reporting Burden:*

*Responses:* 53

*Burden Hours:* 146,534

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

*Abstract:* State Boards for Vocational Education must submit state plans under the Carl D. Perkins Vocational and Applied Technology Education Act, as amended. The Department uses the information to determine compliance with the Act and to make grant awards.

**Office of Vocational and Adult Education**

*Type of Review:* Revision

*Title:* Carl D. Perkins Vocational and Applied Technology Education Act of 1990—Reporting Requirement

*Frequency:* Annual

*Affected Public:* State or local governments

*Reporting Burden:*

*Responses:* 4,212

*Burden Hours:* 1,367,748

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

*Abstract:* State Boards for Vocational Education report data regarding information received from State Councils and local educational agencies. The Department uses the information to determine compliance with the act and to make grant awards to eligible recipients.

**Office of Special Education and Rehabilitative Services**

*Type of Review:* New

*Title:* Interview guides for "Evaluation of State Grants for Technology-Related Assistance for Persons with Disabilities Program"

*Frequency:* One time

*Affected Public:* Individuals or households, state or local governments, non-profit institutions, small businesses or organizations

*Reporting Burden:*

*Responses:* 194

*Burden Hours:* 194

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

*Abstract:* This study will provide the Department with information on the technology-related assistance for individuals with disabilities grant program. The Department will use the information to assess the accomplishments of the grant program.

**Office of Educational Research and Improvement**

*Type of Review:* Extension

*Title:* Application for Grants Under the Secretary's Fund for Innovation in Education (FIE) (New and Continuation)

*Frequency:* Annually

*Affected Public:* State or local governments, Non-profit institutions

*Reporting Burden:*

*Responses:* 600

*Burden Hours:* 14,400

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

*Abstract:* This form will be used by eligible applicants to apply for grants under the Secretary's Fund for Innovation in Education (The FIE Program). The Department uses the information to make grant awards.

**Office of Postsecondary Education**

*Type of Review:* Reinstatement

*Title:* Application for Grants Under the Foreign Periodicals Program

*Frequency:* Triennial

*Affected Public:* State or local governments, Federal agencies or employees, Non-profit institutions

*Reporting Burden:*



*Responses:* 200

*Burden Hours:* 4,500

*Recordkeeping Burden:*

*Recordkeepers:* 0

*Burden Hours:* 0

**Abstract:** This form will be used by state educational agencies to apply for funding under the Foreign Periodicals Program. The Department uses the information to make grant awards.

[FR Doc. 92-4406 Filed 2-25-92; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.083A]

### Women's Educational Equity Act, New Awards for Fiscal Year 1992

#### ACTION: Cancellation Notice.

**SUMMARY:** On September 18, 1991, a combined application notice establishing closing dates for many of the Department's direct grant and fellowship programs was published in the *Federal Register* (56 FR 47270).

Because the Department's 1992 appropriation did not include funding to support new grants under the Women's Educational Equity Act Program, the fiscal year 1992 competition is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Frank B. Robinson, Jr., U.S. Department of Education, 400 Maryland Avenue, SW., room 2059, Washington, DC 20202-6246. Telephone (202) 401-1342. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: February 20, 1992.

Daniel F. Bonner,

*Acting Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 92-4400 Filed 2-25-92; 8:45 am]

BILLING CODE 4000-01-M

### Advisory Committee on Testing in Chapter 1; Meeting

**AGENCY:** Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the initial meeting of the Advisory Committee on Testing in Chapter 1. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE AND TIME:** March 10, 1992—9 a.m.—5 p.m.; March 11, 1992—9 a.m.—11 a.m.

**ADDRESSES:** Location will be announced later; call (202) 401-1682 for information.

#### FOR FURTHER INFORMATION CONTACT:

Mary Jean LeTendre, Director, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 2043, FOB6), Washington, DC 20202-6132; (202) 401-1682.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Testing in Chapter 1 is established under authority of section 442 of the General Education Provisions Act, as amended, (20 U.S.C. 1233a). The Advisory Committee is established to advise the Secretary of Education on possible improvements or alternatives to the current testing procedures for measuring the academic achievement of Chapter 1 students.

The meeting of the Committee is open to the public. The proposed agenda includes an overview of the history and current status of testing in Chapter 1 programs and the state of the art of assessment procedures.

Records are kept of all Committee proceedings, and are available at the office of the Advisory Committee on Testing in Chapter 1, room 2043, 400 Maryland Avenue, SW., Washington, DC 20202-7559, from the hours of 9 a.m. to 5 p.m.

Dated: February 19, 1992.

John T. MacDonald,

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 92-4384 Filed 2-25-92; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER92-317-000, et al.]

#### Public Service Company of Colorado, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 19, 1992.

Take notice that the following filings have been made with the Commission:

#### 1. Public Service Company of Colorado

[Docket No. ER92-317-000]

Take notice that on February 7, 1992, Public Service Company of Colorado ("Public Service") filed with the Commission four initial rate schedules governing wholesale electric service to four rural electric distribution cooperatives, namely, Grand Valley Rural Power Lines, Inc.; Holy Cross Electric Association, Inc.; Intermountain

Rural Electric Association; and Yampa Valley Electric Association, Inc. Public Service also filed two other initial rate schedules: The Power and Transmission Services Agreement among Public Service, Tri-State Generation and Transmission Association, Inc. and PacifiCorp; and a Transmission Service Tariff, which is being filed with the Commission on a limited basis, as is described in Public Service's transmittal letter. All of these rate schedules are the result of the reorganization of Colorado-Ute Electric Association, Inc. ("Colorado-Ute") (of which the four cooperatives are currently members), which reorganization is more fully described in the transmittal letter to this filing and in Public Service's application under section 203 of the Federal Power Act for authority to acquire and consolidate certain Colorado-Ute facilities, which has been assigned Docket No. EC92-8-000. The four rate schedules for the coops would replace their current supply agreements with Colorado-Ute.

Public Service is requesting that the rate schedules be effective as of the effective date of the Joint Plan of Reorganization for Colorado-Ute, which Joint Plan is now pending before the Bankruptcy Court; that effective date is projected to be April 1, 1992. Accordingly, Public Service has requested waiver of the Commission's notice requirements, for good cause. 18 CFR 35.3, 35.11. Public Service will inform the Commission of the actual effective date of the Joint Plan as soon as it is known.

Public Service states that copies of the filing have been served on the four coops named above, PacifiCorp and the Colorado Public Utilities Commission.

*Comment date:* March 4, 1992, in accordance with Standard paragraph E at the end of this notice.

#### 2. The Kansas Power and Light Company, Kansas Gas and Electric Company

[Docket No. ER92-326-000]

Take notice that on February 18, 1992, The Kansas Power and Light Company (KPL) tendered for filing the Second Supplement to Electric Interconnection Contract between KPL and Kansas Gas and Electric Company (KG&E). KPL states the filing is to implement an electric operating agreement to permit the joint operation and dispatch of the Companies' electric systems. KPL seeks a waiver of the Commission's prior notice requirements and requests an effective date to coincide with the closing date of the merger between KPL and KG&E (anticipated to be on or about



March 16, 1992). In support of this request, KPL states such waiver will benefit the customers of KPL and KG&E by permitting the Companies to reflect economic benefits of the operating agreement in customer rates at the earliest possible date. Included in KPL's filing is a Certificate of Concurrence to the filing by KG&E.

Copies of the filing were served upon Kansas Gas and Electric Company, the Utilities Division of the Kansas Corporation Commission and affected purchasers.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 3. Tampa Electric Company

[Docket No. ER92-319-000]

Take notice that on February 7, 1992, Tampa Electric Company (Tampa Electric) tendered for filing an Agreement to Provide Qualifying Facility Transmission Service between Tampa Electric and Seminole Fertilizer Corporation (Seminole Fertilizer). The Agreement provides for the transmission of power by Tampa Electric from Seminole Fertilizer's cogeneration facility to points of interconnection between the Tampa Electric and Florida Power Corporation (FPC) transmission system.

Tampa Electric proposes an effective date of the earlier of October 1, 1992, or the in-service date of the power sale contract between Seminole Fertilizer and FPC.

Copies of the filing have been served on Seminole Fertilizer and the Florida Public Service Commission.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 4. Florida Power & Light Company

[Docket No. EL92-15-000]

Take notice that on February 4, 1992, Florida Power & Light Company (FPL) tendered for filing a Petition for Declaratory Order requesting that the Commission issue an order terminating a controversy which has arisen under a transmission service agreement for firm service entered into between FPL and Seminole Electric Cooperative, Inc. (Seminole).

*Comment date:* March 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 5. Kentucky Utilities Company

[Docket No. ER92-320-000]

Take notice that on February 7, 1992, Kentucky Utilities Company (KU) tendered for filing a request to withdraw its Rate Schedule 164 between KU and

Old Dominion Power Company (ODP). Waiver of prior notice was requested to permit an effective date of December 1, 1991.

A copy of the filing was served on the Public Service Commission of Kentucky and the State Corporation Commission of Virginia.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 6. Green Mountain Power Corporation

[Docket Nos. ER92-103-000, ER92-104-000, ER92-105-000, ER92-106-000, ER92-107-000, ER92-108-000]

Take notice that on February 4, 1992, Green Mountain Power Corporation (GMP) tendered for filing supplemental information regarding sales of system energy, unit power, and system capacity and energy pursuant to sales agreements previously submitted in each of the captioned proceedings.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 7. Nevada Power Company

[Docket No. ER92-190-000]

Take notice that on February 7, 1992 Nevada Power Company (Nevada) tendered an amended filing of an agreement entitled Interconnection Agreement (Agreement) Between Nevada Power Company and Citizens Utilities Company. The Agreement established the terms and procedures for the interchange of economy, emergency and banked energy and any other power transactions that may be possible through the Parties' interconnected systems or through the systems of third parties.

Nevada requests an effective date of September 16, 1991 and therefore, requests waiver of the Commission's notice requirements.

Nevada states that copies of this filing were served upon Citizens Utilities Company.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 8. Baltimore Gas and Electric Company

[Docket No. ER92-306-000]

Take notice that on February 3, 1992, Baltimore Gas and Electric Company ("BG&E") tendered for filing, as an initial rate schedule, an agreement between BG&E and the Delmarva Power & Light Company (DP&L) reflecting BG&E's and DP&L's sale to each other of up to 100% of each Company's respective entitlement for the use of the Pennsylvania-New Jersey-Maryland Interconnection ("PJM") transmission system which is used to import energy

from Systems to the west of PJM at a rate of up to \$5.50 Mwh commencing April 3, 1992. DP&L has concurred in this rate schedule by execution of a Certificate of Concurrence. BG&E requests that the Commission allow the rate schedule to become effective April 3, 1992.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 9. Entergy Services, Inc.

[Docket No. ER92-305-000]

Take notice that Entergy Services, Inc. (Entergy Services), as agent for Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., on February 3, 1992, tendered for filing an Interchange Agreement with Northeast Texas Electric Cooperative, Inc.

Entergy Services requests an effective date of March 1, 1992 for the Interchange Agreement. Entergy Services requests waiver of the Commission's notice requirements under § 35.11 of the Commission's regulations.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 10. Indiana Michigan Power Company Ohio Power Company

[Docket No. ER91-669-000]

Take notice that American Electric Power Corporation on behalf of Ohio Power Company and Indiana Michigan Power Company on February 12, 1992, tendered for filing an amendment to its September 23, 1991 filing in this docket.

AEPSC requests a revised effective date of February 1, 1992.

Copies of the filing were provided to The Cincinnati Gas & Electric Company, the Michigan Public Service Commission, the Indiana Utility Regulatory Commission, the Kentucky Public Service Commission, and the Public Utilities Commission of Ohio.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

### 11. Central Maine Power Company

[Docket No. ER92-61-000]

Take notice that on February 4, 1992, Maine Electric Power Company ("MEPCO"), tendered for filing on behalf of Central Maine Power ("CMP"), Bangor Hydro-Electric Company ("BHE") and Maine Public Service Company ("MPS") supplemental information and documents relating to the following in the above referenced docket:



1. Support Services Agreement dated June 12, 1989 between MEPCO and CMP, as amended on March 13, 1991;

2. Support Services Agreement dated June 8, 1989 between MEPCO and BHE as amended on March 14, 1991; and

3. Support Services Agreement dated June 5, 1989 between MEPCO and MPS; as amended on March 18, 1991.

Pursuant to the above referenced agreements (the "MEPCO Support Agreements"), CMP, BHE and MPS furnish various professional, technical and administrative support services for MEPCO. In the original filing dated October 4, 1991, MEPCO, on behalf of CMP, BHE and MPS, had requested that the Commission disclaim jurisdiction over these Agreements, or in the alternative, accept the MEPCO Support Agreements for filing pursuant to section 205 of the Federal Power Act.

MEPCO has served a copy of the supplemental filing on the affected customer and on the Maine Public Utilities Commission.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

## 12. Southern Company Services, Inc.

[Docket No. ER92-316-000]

Take notice that on February 6, 1992, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company ("Southern Companies"), tendered for filing an Interchange Contract between Southern Companies and Duke Power Company. The Interchange Contract establishes the terms and conditions of power supply, including provisions relating to service conditions, control of system disturbances, metering and other matters related to the administration of the agreement. Services provided thereunder are governed by Service Schedules providing for emergency assistance, short-term power, economy transactions and economic energy participation. The Interchange Contract utilizes a formula rate methodology applicable to emergency assistance and short-term power, which is designed to facilitate the periodic revision of charges to reflect changes in costs.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

## 13. Cambridge Electric Light Company

[Docket No. ER90-283-003]

Take notice that on February 10, 1992, Cambridge Electric Light Company (Cambridge) tendered for filing its

compliance refund report pursuant to the Commission's order issued December 6, 1990.

Copies of the tendered filing have been served by Cambridge upon the Town of Belmont, Massachusetts, the Commission Staff and the Massachusetts Department of Public Utilities.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

## 14. Florida Power & Light Company

[Docket No. ER92-143-000]

Take notice that on February 10, 1992, Florida Power & Light Company ("FPL") submitted supplemental information regarding a proposed decrease in charges to the Florida Keys Electric Cooperative, Inc. pursuant to the Long Term Agreement to Provide Capacity and Energy by Florida Power & Light Company to Florida Keys Electric Cooperative, Inc. ("Agreement"). FPL filed the Agreement with the Commission on October 31, 1991.

*Comment date:* March 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

## 15. Public Service Company of New Mexico

[Docket No. ER91-447-000]

Take notice that on February 11, 1992, Public Service Company of New Mexico (PNM) submitted for filing an Amendment to the Economy Energy Agreement (Agreement) between PNM and the City of Azusa, California (Azusa). The Agreement was filed on May 20, 1991, and is pending before the Commission in Docket No. ER91-447-000. Under the Agreement PNM and the City of Azusa will make economy energy available to one another at rates reflecting current market conditions. The Amendment to the Agreement provides minimum pricing language, an appendix to the Agreement and clarification of share-saving language.

Copies of the filing have been served upon Azusa and the New Mexico Public Service Commission.

*Comment date:* March 4, 1992, in accordance with Standard Paragraph E at the end of this notice.

## Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.14). All such motions or protests should be filed on or before the

comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4332 Filed 2-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-323-000, et al.]

## Natural Gas Certificate Filings; Equitrans, Inc., et al.

Take notice that the following filings have been made with the Commission:

### 1. Equitrans, Inc.

[Docket No. CP92-323-000]

February 18, 1992.

Take notice that on February 12, 1992, Equitrans, Inc. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket No. CP92-323-000 request pursuant to § 157.205 of the commission's Regulations under the Natural Gas Act for authorization to construct and operate one sales tap for the delivery of natural gas to an end-user under its blanket certificate issued in Docket No. CP86-676-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans requests authorization to construct and operate a sales tap on its H-126 Line to provide gas service to Equitable Gas Company, a division of Equitable Resources, Inc. (Equitable) for an end-user, Mr. Charles Choyanec, located in Finleyville, Pennsylvania. Equitrans states the quantity of natural gas to be delivered through the proposed sales tap would be approximately one Mcf on a peak day. Equitrans would charge Equitable its applicable rate contained in Equitrans' current effective tariff approved by the Commission, it is indicated.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 2. Northwest Pipeline Corporation

[Docket No. CP92-335-000]

February 18, 1992.

Take notice that on February 6, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 94158-0900, filed an



application with the Commission in Docket No. CP92-335-000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon its Federal No. 26-13 well line by sale to Lone Mountain Production Company (Lone Mountain) and to abandon by removal the associated metering and dehydrator facilities located in Garfield County, Colorado, all as more fully set forth in the application which is open to public inspection.

Northwest proposes to abandon approximately 3,500 feet of 4½-inch pipe, associated valves, a meter, and dehydration facilities used to connect the Federal No. 26-13 well to RMNG Gathering Company's South Canyon gathering system in Garfield County.<sup>1</sup> Northwest proposes to abandon the pipe and associated valves by sale to Lone Mountain for \$7,500, the agreed upon fair market value. Concurrently with the sale of the well line Northwest proposes to remove and salvage the associated meter and dehydration facilities. Northwest states that these facilities are no longer needed and are uneconomical to operate.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 3. United Gas Pipe Line Company

[Docket No. CP92-345-000]  
February 18, 1992.

Take notice that on February 12, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, TX 77251-1478, filed a request pursuant to §§ 157.205 and 157.211 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to reverse an existing meter station and related facilities, located in Marion County, Mississippi, under the provisions of section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, United proposes to reverse the tube on an existing station located off the McComb 24" line near Baxterville Field Section 34, Township 2 North, Range 17 West for the firm transportation of natural gas to Fina Natural Gas (Fina) to provide delivery to Mississippi Fuel in Marion County, Mississippi.

United states that the proposed meter station and the related facilities would enable United to transport an estimated maximum of 40,000 Mcf of natural gas per day to Fina for delivery to

Mississippi Fuel, under United's Rate Schedule FTS. United further states that it anticipates no significant impact on its peak day or annual deliveries as a result of the proposed service.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 4. Questar Pipeline Company

[Docket No. CP92-210-000]  
February 18, 1992.

Take notice that on November 25, 1991, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP92-210-000, a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations and Questar's blanket certificate issued in Docket No. CP82-491-000 pursuant to section 7 of the Natural Gas Act for authorization to activate its previously certificated West Evanston delivery point located in Uinta County, Wyoming, by constructing and operating a district regulator station adjacent to its Jurisdictional Lateral Nos. 36 and 57 to serve Mountain Fuel Supply Company (MFS), all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Questar states that these facilities are required to deliver natural gas to MFS, the local distribution affiliate of Questar, under Questar's firm sale-for-resale Rate Schedule CD-1 and firm transportation Rate Schedule X-33 which are included in Original Volume Nos. 1 and 3 of Questar's FERC Gas Tariff.

Questar estimates the cost of the West Evanston district regulator station including metering, regulating and appurtenant facilities necessary to activate the existing delivery point will be \$80,930. Questar states that the installation of these facilities will allow Questar to deliver up to approximately 4,080 Dth per day and 51,600 Dth annually to MFS, for ultimate sale by MFS to commercial and residential customers in the vicinity of Evanston, Wyoming, pursuant to MFS's Public Service Commission of Wyoming Tariff No. 8.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 5. Michigan Gas Storage Company

[Docket No. CP92-332-000]  
February 18, 1992.

Take notice that on February 5, 1992, Michigan Gas Storage Company (Gas Storage), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP92-332-000 an application

pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon a gas transportation service provided for Consumers Power Company (Consumers), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Gas Storage states that it is requesting approval to abandon the natural gas transportation service it provides for Consumers as authorized by Commission order issued March 2, 1984, in Docket No. CP83-69-000 (26 FERC ¶ 61,285).

Gas Storage further states that the transportation service provided for Consumers is to enable Consumers to provide a transportation and storage service for Kansas Power and Light Company (KPL).

Gas Storage asserts that KPL has requested that these services be terminated effective April 1, 1992. Accordingly, by letter dated January 11, 1992, Gas Storage notified Consumers that it is terminating the transportation service effective April 1, 1992. Consumers has agreed to the termination of this transportation service.

No facilities are proposed to be abandoned herein.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 6. Northwest Pipeline Corporation

[Docket No. CP92-336-000]  
February 18, 1992.

Take notice that on February 6, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah, 84158, filed in Docket No. CP92-336-000, a request for approval, pursuant to 18 CFR 157.205 and 157.211, to construct and operate a new meter station, to be named the SIPI Meter Station, at its Sumas Compressor Station site in Whatcom County, Washington. The SIPI Meter Station will be operated to deliver transportation gas to, and receive transportation gas from, the Sumas-Huntingdon Interconnect Pipeline System (SHIPS) under various authorized transportation agreements with BC Gas Inc. (BC Gas) and other shippers; all as more fully set forth in the request that is on file with the Commission and is open to inspection.

Northwest states that the proposed new meter station is designed at the request of BC Gas to receive or deliver up to approximately 350,000 MMBtu per day at the interconnect with SHIPS. The station will include four 12-inch turbine meters, six 20-inch manifold switching

<sup>1</sup> Northwest installed these facilities under budget-type authority granted September 30, 1977, by the Commission in Docket No. CP77-507 (59 FPC 2392).



valves, approximately 2,100 feet of 24-inch pipe, various control valves and other appurtenances. To allow the station to convey the required gas volumes under all anticipated operational conditions, the meter station will be connected both to the suction side and the discharge side of Northwest's Sumas Compressor Station. The meter station will be located on a 90 foot by 150 foot site within Northwest's Sumas Compressor Station yard in Section 38, Township 41 North, Range 4 East, Whatcom County, Washington, at milepost number 1484.7 on Northwest's mainline transmission system.

Northwest estimates the cost of the proposed SIPI Meter Station to be \$2,285,711. Northwest estimates that the incremental annual revenues to be generated by the service to this meter station will exceed the estimated incremental cost of service for the proposed facilities. Therefore, Northwest will install the SIPI Meter Station at its own expense pursuant to the Facilities Reimbursement provisions of its transportation tariff.

*Comment date:* April 3, 1992, in accordance with Standard Paragraph G at the end of this notice.

#### 7. CNG Transmission Corporation Carnegie Natural Gas Company

[Docket No. CP92-315-000]

February 18, 1992.

Take notice that on January 23, 1992, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301 and Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, filed a joint application with the Commission in Docket No. CP92-315-000 pursuant to sections 7(b) of the Natural Gas Act (NGA) for permission and approval to delete two exchange points from an exchange agreement, all as more fully set forth in the application which is open to public inspection.

CNG and Carnegie request permission and approval to delete the Dorsey Davis connection, Doddridge County, West Virginia, and the Calvin Barr #1 Well, Wetzel County, West Virginia, as exchange points under their respective FERC Rate Schedules X-5 and X-4.<sup>2</sup> CNG and Carnegie no longer need the Dorsey Davis connection. CNG has purchased Carnegie's interest in the Calvin Barr #1 Well, which is connected to CNG's pipeline system.<sup>3</sup> Since

Carnegie no longer has an interest in the well, Carnegie does not need this connection as an exchange point under its Rate Schedule X-4.

No exchange service would be abandoned in this proposal.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### 8. Consumers Power Company

[Docket No. CP92-331-000]

February 18, 1992.

Take notice that on February 5, 1992, Consumers Power Company (Consumers), 212 West Michigan Avenue, Jackson, Michigan 49203, filed in Docket No. CP92-331-000 an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon a gas transportation and storage service provided for The Kansas Power and Light Company (KPL), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Consumers state that it is requesting approval to abandon the natural gas transportation and storage service it provides for KPL, as authorized by Commission order issued March 2, 1984, in Docket No. CP83-67-000 (26 FERC ¶ 61,285).

Consumers further states that KPL, by letter dated January 28, 1992, requested that this service be terminated effective April 1, 1992, to coincide with the end of the withdrawal cycle.

No facilities are proposed to be abandoned herein.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### 9. Southern Natural Gas Company

[Docket No. CP92-333-000]

February 18, 1992.

Take notice that on February 6, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP92-333-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a pipeline interconnection, exchange meter station and appurtenances with Transcontinental Gas Pipe Line Corporation (Transco) near Selma, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that the facilities were installed in 1957 pursuant to a joint application filed by Southern and Transco in Docket No. G-12060 to provide for another point of interchange

where Transco could deliver gas to Southern pursuant to Rate Schedule EX-1 in the event of an emergency. Southern also states that gas has never flowed through those facilities and the facilities have become obsolete. Southern asserts that the proposed abandonment would save Southern the cost of maintaining those facilities, without any adverse impact on the capacity of Southern's system or any termination of service to Transco.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### 10. Panda Resources, Inc.

[Docket No. CI92-24-000]

February 19, 1992.

Take notice that on February 4, 1992, Panda Resources, Inc. (Panda) of 4200 East Skelly Drive, Suite 1000, Tulsa, Oklahoma 74135, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing it to make sales for resale in interstate commerce of natural gas imported by Panda from Canada, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph J at the end of this notice.

#### 11. Mountain Gas Resources, Inc.

[Docket No. CI92-25-000]

February 19, 1992.

Take notice that on February 10, 1992, Mountain Gas Resources, Inc. (MGR) of 5613 DTC Parkway, Suite 200, P.O. Box 6525, Englewood, Colorado 80155-6525, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing the sale for resale in interstate commerce of all NGPA categories of natural gas subject to the Commission's NGA jurisdiction, including imported gas and liquefied natural gas, gas purchased under any existing or subsequently approved pipeline blanket certificate authorizing interruptible sales for resale of surplus system supply (ISS gas), and natural gas purchased from non-first sellers including interstate and intrastate pipelines and local distribution companies, all as more fully set forth in the application which is on file with the

<sup>2</sup> The Commission authorized CNG and Carnegie's gas-for-gas exchange service by the order issued in Docket No. CP89-78 (40 FPC 1346).

<sup>3</sup> See the Commission order issued May 21, 1984, in Docket No. CP89-78-004 (27 FERC ¶ 62,171).



Commission and open for public inspection.

*Comment date:* March 10, 1992, in accordance with Standard Paragraph J at the end of the notice.

## 12. Williston Basin Interstate Pipeline Company

[Docket No. CP92-343-000]

February 19, 1992.

Take notice that on February 12, 1992, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP92-343-000 a request pursuant to §§ 157.205, § 157.211 and/or § 157.212 of the Commission's Regulations, for authorization to construct and operate a new tap and two new meters and appurtenant facilities to be connected to that tap under its blanket certificate obtained in Docket Nos. CP82-487-000, *et al.*, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

Williston Basin seeks authorization to construct and operate a new meter and appurtenant facilities in order to provide firm sales service to one of its existing local distribution company sales customers (LDC), Montana-Dakota Utilities Co., (Montana-Dakota) at Lignite, North Dakota. Williston Basin states that Williston Basin also seeks authorization to construct and operate a second new meter and related facilities in order to provide interruptible transportation service for Interenergy Corporation of gas needed for make-up fuel during times of plant upset and/or turn around at its Lignite Gas Plant. The estimated cost of this metering facility is \$5,100. The tap and proposed meters will be located at an existing gas purchase meter station on existing pipeline right-of-way in Burke County, North Dakota. Williston Basin states that the installation of the proposed facilities would have no significant effect on its peak day or annual requirements.

*Comment date:* April 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

## Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural

Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

## Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,  
Secretary.

[FR. Doc. 92-4333 Filed 2-25-92; 8:45 am]

BILLING CODE 6717-01-M

## [Docket No. ER92-318-000]

## Tampa Electric Co., Filing

February 18, 1992.

Take notice that on February 7, 1992, Tampa Electric Company (Tampa Electric) tendered for filing a Contract for Interchange Service between Tampa Electric and the City of Wauchula, Florida (Wauchula). The Contract was supplemented with Service Schedules D and J, providing for long-term and negotiated interchange service is, respectively.

Tampa Electric also tendered for filing, as a supplement to Service Schedule D, a Letter of Commitment providing for the sale by Tampa Electric to Wauchula of capacity and energy from Tampa Electric's Big Bend Stations coal-fired generating resources.

Tampa Electric proposes an effective date of June 1, 1992, for the Contract, Service Schedules, and Letter of Commitment.

Copies of the filing have been served on Wauchula and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 2, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the



Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4334 Filed 2-25-92; 8:45 am]

BILLING CODE 6717-01-M

## Office of Arms Control and Nonproliferation Technology Support

### Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement of Cooperation in the Civil Uses of Atomic Energy, signed April 4, 1972, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/CI(EU)-6, for the transfer of prototype fuel elements containing 7.6 kilograms of uranium, enriched to 19.95 percent in the isotope uranium-235, from France to Taiwan for use as fuel in the NTHU research reactor in Taiwan.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on February 20, 1992.

Salvador N. Ceja,

Acting Director, Office of Nuclear Nonproliferation Policy.

[FR Doc. 92-4402 Filed 2-25-92; 8:45 am]

BILLING CODE 6450-01-M

## Office of Fossil Energy

[FE Docket No. 91-100-NG]

### Mobil Natural Gas Inc. Order Granting Blanket Authorization To Import Natural Gas, Including Liquefied Natural Gas

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of an order granting blanket authorization to import natural gas, including liquefied natural gas.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Mobil Natural Gas Inc. blanket authorization to import up to 100 Bcf of natural gas, including liquefied natural gas, over a two-year term beginning on the date of first delivery after February 15, 1992, the date MNGI's current authorization expires.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 20, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4403 Filed 2-25-92; 8:45 a.m.]

BILLING CODE 6450-01-M

## Office of Hearings and Appeals

### Cases Filed During the Week of December 27, 1991, through January 3, 1992

During the week of December 27, 1991, through January 3, 1992, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 20, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

Week of December 27, 1991, through January 3, 1992

Date	Name and Location of Applicant	Case No.	Type of Submission
1/3/92.....	Gulf/Buddy's Fuel Oil Service, Washington, DC.....	RR300-124	Request for Modification/Rescission in the Gulf special refund processing. If granted: The December 20, 1991 Decision and Order (Case No. RF300-65) issued to Buddy's Fuel Oil Service regarding the firm's Application for Refund submitted in the Gulf special refund proceeding would be modified.

### REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/ Name of refund applicant	Case No.
12/27/91 thru 1/3/92	Texaco Refund Applications Received.	RF321-18154 thru RF321-18258
12/27/91 thru 1/3/92	Crude Oil Refund Applicants Received.	RF272-91274 thru RF272-91289
12/30/91	Wal-Mart Stores, Inc.	RF335-59

### REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/ Name of refund applicant	Case No.
12/30/91	Iberia R-5 School District.	RF335-60
12/30/91	Jim Felgar.....	RF335-61
12/30/91	Clark Super 100 Samuel Perkins.	RF342-102
12/30/91	Slattery Group, Inc.	RF336-41

### REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/ Name of refund applicant	Case No.
12/31/91	Jim's Clark Super 100.	RF342-103
1/2/92	West Paterson Quik Stop.	RF341-17
1/2/92	Leo R. Geyman.....	RC272-153
1/2/92	Lester C. Newton Trucking Co.	RC272-154



REFUND APPLICATIONS RECEIVED—  
Continued

Date received	Name of refund proceeding/ Name of refund applicant	Case No.
1/3/92	Alet Kislack.....	RF300-19293
1/3/92	Bernard Norris-Clark Super.	RF342-104
1/3/92	Ron Leto's Clark Super 100.	RF342-105
1/3/92	Douglas Murphy/James Harp.	RF342-106
1/3/92	Lam Davis Super 100.	RF342-107
1/3/92	Owens Service Station.	RF342-108
1/3/92	Louis McLaurin Super 100.	RF342-109
1/3/92	Consumers Oil Corp.	RF330-64

[FR Doc. 92-4401 Filed 2-25-92; 8:45am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS  
COMMISSION

Public Information Collection  
Requirements Submitted to Office of  
Management and Budget for Review

February 18, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0179.

Title: Section 73.1590, Equipment performance measurements.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 11,850 recordkeepers, .65 hours average burden per recordkeeper, 7,703 hours total annual burden.

Needs and Uses: Section 73.1590 requires licensees of AM, FM and TV

stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedure used in making the measurements must be kept on file at the transmitter for two years. In addition, this information must be made available to the FCC upon request. The data is used by FCC staff in field investigations to identify sources of interference.

OMB Number: 3060-0210.

Title: Section 73.1930, Political editorials.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,157 responses; 3 hours average burden per response; 6,471 hours total annual burden.

Needs and Uses: Section 73.1930 requires that when a commercial licensee in an editorial endorses or opposes a candidate, the licensee must notify the other qualified candidate(s) for the same office or the candidate opposed, of the date and time of the editorial, provide a script or tape of the editorial, and offer reasonable opportunity to respond over the licensee's facility. This information is used to provide a qualified candidate reasonable opportunity to respond to a political editorial.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-4282 Filed 2-25-92; 8:45 am.]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

BRAD, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies; Correction

This notice corrects a previous Federal Register notice (FR Doc. 92-2610) published at page 4205 of the issue for Tuesday, February 4, 1992.

Under the Federal Reserve Bank of Chicago, the entry for BRAD, Inc. is revised to read as follows:

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. BRAD, Inc., Melrose, Wisconsin; to become a bank holding company by

acquiring 88.87 percent of the voting shares of Bank of Melrose, Melrose, Wisconsin.

Comments on this application must be received by March 6, 1992.

Board of Governors of the Federal Reserve System, February 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4342 Filed 2-25-92; 8:45 am]

BILLING CODE 6210-01-F

Prairie Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 23, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Prairie Bancorp, Inc., Manlius, Illinois; to merge with First Hanover Bancorp, Inc., Hanover, Illinois, and thereby indirectly acquire Hanover State Bank, Hanover, Illinois.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Rio Blanco Holding Company, Rangely, Colorado; to become a bank holding company by acquiring 90.7 percent of the voting shares of Rio Blanco State Bank, Rangely, Colorado.



Board of Governors of the Federal Reserve System, February 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4343 Filed 2-25-92; 8:45 am]

BILLING CODE 6210-01-F

### **Bobby G. Rozas; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated

for the notice or to the offices of the Board of Governors. Comments must be received not later than March 18, 1992.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. **Bobby G. Rozas, Vidor, Texas**, to acquire an additional 0.78 percent of the voting shares of Vidor Bancorporation, Inc., Vidor, Texas, for a total of 25.10 percent, and thereby indirectly acquire First Texas Bank, Vidor, Texas.

Board of Governors of the Federal Reserve System, February 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4344 Filed 2-25-92; 8:45 am]

BILLING CODE 6210-01-F

### **FEDERAL TRADE COMMISSION**

#### **Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the

Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

#### **TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 020392 AND 021492**

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
The RTZ Corporation PLC, Galactic Resources Limited, SCGC Holdings, Inc. & Galactic Resources Limited	92-0502	2/03/92
International Games, Inc., Mattel, Inc., Mattel, Inc.	92-0511	2/03/92
Mattel, Inc., International Games, Inc., International Games, Inc.	92-0512	2/03/92
HEALTHSOUTH Rehabilitation Corporation, Dr. John T. Macdonald Health Systems, Inc., Hospital Health Systems, Inc. & Drs. Health Serv. Corp.	92-0514	2/03/92
Western States Chemical Supply Corp., American Stores Company, the T-Chem Products division of LKS Manufacturing, Inc.	92-0528	2/03/92
Sears, Roebuck and Co., Tysons II Development Co. Limited Partnership, H-L Mall Venture	92-0519	2/05/92
Sears, Roebuck and Co., Sears, Roebuck and Co., H-L Mall Venture	92-0520	2/05/92
Stephen R. Karp, Edward J. DeBartolo, Northshore Plaza I, Inc.	92-0550	2/05/92
Stephen R. Karp, Campeau Corporation, North Shore Plaza II, Inc.	92-0551	2/05/92
BE Avionics, Inc., Pullman Partners, PTC Aerospace, Inc. and Aircraft Products Company	92-0536	2/06/92
SCANA Corporation, Patrick F. Taylor, Taylor Energy Company	92-0532	2/07/92
Komag, Incorporated, Dastek Holding Company (Joint Venture), Dastek Holding Company (Joint Venture)	92-0534	2/10/92
Asahi Glass Co., Ltd., Dastek Holding Company (Joint Venture), Dastek Holding Company (Joint Venture)	92-0546	2/10/92
Albert Einstein Healthcare Foundation, MossRehab, Inc., MossRehab, Inc.	92-0547	2/10/92
Santa Fe Energy Resources, Inc., Adobe Resources Corporation, Adobe Resources Corporation	92-0555	2/10/92
Minorco, Santa Fe Energy Resources, Inc., Santa Fe Energy Resources, Inc.	92-0556	2/10/92
Grand Metropolitan Public Limited Company, Burton J. McGlynn and Patricia J. McGlynn, McGlynn Bakeries, Inc.	92-0503	2/11/92
Thermo Electron Corporation, Foster-Miller, Inc., Foster-Miller, Inc.	92-0557	2/11/92
Norsk Hydro a.s., Royster Company, Royster Company	92-0576	2/11/92
General Motors Corporation, Blue Cross and Blue Shield of Massachusetts, Inc., Blue Cross and Blue Shield of Massachusetts, Inc.	92-0554	2/12/92
W. R. Grace & Co., E. I. du Pont de Nemours and Co., Du Pont Canada Inc.	92-0185	2/13/92
Maidenform, Inc., Sidney Goldberg, True Form Foundations Corp.	92-0508	2/13/92
Martin Marietta Corporation, Culpeper Stone Company, Inc., Culpeper Stone Company, Inc.	92-0518	2/13/92
Chiquita Brands International, Inc., Fritz C. Friday, Friday Canning Corporation	92-0553	2/14/92
Christopher Cohan, BILP Partners, L.P., BILP Partners, L.P.	92-0568	2/14/92

#### **FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,  
Secretary.

[FR Doc. 92-4382 Filed 2-25-92; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3354]

#### **Kreepy Krauly USA, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions**

**AGENCY:** Federal Trade Commission.  
**ACTION:** Consent order.



**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Florida manufacturer of automatic swimming pool cleaning devices from engaging in or enforcing any agreement with any dealer to establish or maintain the dealer's resale prices. In addition, the respondent is required to rescind the paragraph of its dealer agreements that requires dealers to agree to maintain resale prices, to refrain from maintaining resale prices, and to notify its officers, sales personnel, dealers, and distributors that dealers are allowed to determine their own selling prices.

**DATES:** Complaint and Order issued December 20, 1991.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Michael Analics, FTC/S-2627, Washington, DC 20580, (202) 326-2682.

**SUPPLEMENTARY INFORMATION:** On Thursday, January 17, 1991, there was published in the *Federal Register*, 56 FR 1813, a proposed consent agreement with analysis in the Matter of Kreepy Krauly USA, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,  
Secretary.

[FR Doc. 92-4381 Filed 2-25-92; 8:45 a.m.]

BILLING CODE 6750-01-M

[File No. 902 3112]

**RMED International, Inc., et al.;  
Proposed Consent Agreement With  
Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair

methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Colorado-based company, that makes "TenderCare" disposable diapers, and its president from making degradability claims in the future unless they possess competent scientific evidence to substantiate such claims.

**DATES:** Comments must be received on or before April 27, 1992.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Michael Dershowitz or Georgianna Allsopp, FTC/S-4002, Washington, DC 20580. (202) 326-3158 or 326-3183.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

The Federal Trade Commission having initiated an investigation of certain acts and practices of RMED International, Inc., a corporation, and Edward Reiss, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

*It is hereby agreed by and between* RMED International, Inc., by its duly authorized officer, and Edward Reiss, individually and as an officer of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent RMED International, Inc. ("RMED") is a Colorado corporation, with its office and principal place of business located at 675 Industrial Drive, Delta, Colorado 81416.

Proposed respondent Edward Reiss is an officer of said corporation. He formulates, directs, and controls the acts and practices of said corporation, and his business address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the attached draft complaint.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement, and

(d) All claims under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the attached draft complaint, or that the facts as alleged in the attached draft complaint, other than the jurisdictional facts, are true.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service.

<sup>1</sup> Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW, Washington, DC 20580.



Proposed respondents waive any right they might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the complaint and the order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

## Order

### Definition

For purposes of this Order, the following definition shall apply:

**RMED plastic product** means any product or product packaging composed of plastic, in whole or in part, that is offered for sale, sold, or distributed to the public by respondents, its successors and assigns, under the "TenderCare" brand name or any other brand name; and also means any plastic product or product packaging that is sold or distributed to the public by third parties under private labeling agreements with respondents, its successors and assigns.

## I

A. *It is ordered* That respondents RMED International, Inc., a corporation, its successors and assigns, and its officers, and Edward Reiss, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering for sale, sale, or distribution of any RMED plastic product, including, but not limited to, disposable diapers and their plastic packaging, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions, or symbols:

(1) That any such plastic product is "degradable," "biodegradable," or "photodegradable"; or,

(2) Through the use of such terms as "degradable," "biodegradable," "photodegradable," or any other similar term or expression, that any such plastic product offers any environmental benefits compared to other products

when consumers dispose of them as trash that is ordinarily buried in a sanitary landfill or incinerated, unless, at the time of making such representation, respondents possess and rely upon a reasonable basis, consisting of competent and reliable scientific evidence that substantiates such representation. For the purposes of this Order, to the extent such evidence of a reasonable basis consists of scientific or professional tests, analyses, research, studies, or any other evidence based on expertise of professionals in the relevant area, such evidence shall be "competent and reliable" only if those tests, analyses, research, studies, or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, and using procedures generally accepted in the profession to yield accurate and reliable results.

B. *Provided*, however, respondents will not be in violation of this Order, in connection with the advertising, labeling, offering for sale, sale, or distribution of RMED plastic products, if they truthfully represents that their plastic products will compost, degrade into usable compost, or otherwise be converted into usable compost, when disposed of in facilities that collect municipal solid waste for composting (that is, the accelerated breakdown of waste into soil-conditioning material), provided that the labeling of such products and any advertising referring to the degradability of such products discloses clearly, prominently, and in close proximity to such representation:

(1) That such products are not designed to degrade in landfills; and either

(2)(a) That facilities to compost such products are generally unavailable in the U.S., or

(2)(b) The approximate percentage of the U.S. population having access to composting programs for such products.

If the advertising and labeling of respondents' plastic products otherwise complies with subpart A of part I of this Order, respondents will not be in violation of this Order if they do not make the disclosures in this proviso (subpart B).

## II

*It is further ordered* That respondents RMED International, Inc., a corporation, its successors and assigns, and its officers, and Edward Reiss, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, labeling, offering

for sale, sale, or distribution of any RMED plastic product, including, but not limited to, disposable diapers and their plastic packaging, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, by words, depictions, or symbols, that any such product offers any environmental benefit, unless the specific nature of that benefit is clear from the context or is disclosed clearly, prominently, and in close proximity thereto; and, at the time of making such representation, respondents possess and rely upon a reasonable basis, consisting of competent and reliable scientific evidence that substantiates such representation. For purposes of this provision, a disclosure elsewhere on the product package shall be deemed to be "in close proximity" to such terms if there is a clear and conspicuous cross-reference to the disclosure. The use of an asterisk or other symbol shall not constitute a clear and conspicuous cross-reference. A cross-reference shall be deemed clear and conspicuous if it is of sufficient prominence to be readily noticeable and readable by the prospective purchaser when examining the principal display panel of the package. The principal display panel of the package is that part of the package that faces the consumer when presented under normal and customary conditions of display for retail sale.

## III

*It is further ordered* That for three (3) years from the date that the representations to which they pertain are last disseminated, respondents shall maintain and upon request make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any representation covered by this Order; and

B. All tests, reports, studies, surveys, or other materials in their possession or control that contradict, qualify, or call into question such representation or the basis upon which respondents relied for such representation.

## IV

*It is further ordered* That respondent RMED International, Inc. shall distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees engaged in the preparation and placement of advertisements or other such sales materials covered by this Order.



## V

*It is further ordered* That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as a dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations under this order.

## VI

*It is further ordered* That the individual respondent shall promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of five (5) years from the service date of this Order, he shall promptly notify the Commission of each affiliation with a new business or employment whose activities relate to the manufacture, sale, or distribution of plastic products, or of his affiliation with a new business or employment in which his own duties and responsibilities relate to the manufacture, sale, or distribution of plastic products. When so required under this paragraph, each such notice shall include the individual respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged, as well as a description of the respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this Order.

## VII

*It is further ordered* That respondents shall, within sixty (60) days after service of his Order upon them, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondents RMED International, Inc., a Colorado Corporation, and Edward Reiss, individually and as an officer of said corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of

the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns the package labeling and advertising of RMED International Inc.'s "TenderCare" disposable diapers. The Commission's complaint charges that the respondents' labeling and advertising contained unsubstantiated representations concerning "TenderCare" diapers' alleged biodegradability and the environmental benefits that could be obtained when the diapers were disposed of as trash. The complaint alleges that the respondents represented that "TenderCare" disposable diapers offer a significant environmental benefit when consumers dispose of them as trash, and that "TenderCare" diapers will completely break down, decompose, and return to nature within 2-5 years.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the proposed order requires the respondents to cease representing that any plastic product or plastic packaging is "degradable," "photodegradable," or "biodegradable," or more specifically, through the use of such terms or similar terms, that such plastic products offer any environmental benefits compared to other products when disposed of as trash that is ordinarily buried in a sanitary landfill, or incinerated, unless the respondents have a reasonable basis for such representations at the time they are made. Part I also contains a proviso that allows the respondents to advertise certain plastic products as "compostable" or "degradable" without violating Part I of the proposed order. The respondents may use the terms if such products can be converted into usable compost (soil conditioning material) in municipal solid waste composting programs, and if they disclose, clearly, prominently, and in close proximity to such claims, either that facilities for composting such products are generally unavailable in the United States, or the approximate percentage of the U.S. population that has access to facilities for composting such products. Further-more, respondents must also disclose that such products are not designed to degrade in landfills.

Part II of the proposed order provides that if the respondents represent in advertising or labeling that their plastic

products offer any environmental benefit, they must have a reasonable basis consisting of competent and reliable scientific evidence that substantiates the claims. Further, to ensure compliance with this provision, the order requires the respondents to disclose specifically what they mean by the claims, if it is not clear from the context.

The proposed order also requires the respondents to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to certain company officials and employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, to notify the Commission of any changes in the business or employment of the named individual respondent, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,  
Secretary.

[FR Doc. 92-5383 Filed 2-25-92; 8:45 am]

BILLING CODE 4750-1-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 91F-0457]

#### Parexel International Corp.; Filing of Food Additive Petition; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

**SUMMARY:** The Food and Drug Administration is correcting a notice of filing of a food additive petition by Parexel International Corp. When this petition was published in the *Federal Register* on December 19, 1991 [56 FR 65907], the docket number provided in the heading was incorrect. This document corrects that error.

**FOR FURTHER INFORMATION CONTACT:** C. James Shen, Center for Food Safety and Applied Nutrition (HFF-333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9528.

In FR Doc. 91-30214, appearing on page 65907 in the *Federal Register* of Thursday, December 19, 1991, in the second column, on the first line, the



docket number is corrected by changing "91N-0457" to read "91F-0457".

Dated: February 12, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-4363 Filed 2-25-92; 8:45 am]

BILLING CODE 4180-01-M

## Health Care Financing Administration

### Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

**AGENCY:** Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request:* Reinstatement; *Title of Information Collection:* Information Collection Requirements in 42 CFR 405, Subpart N, Conditions of Coverage for Portable X-ray Suppliers; *Form Number:* HCFA-F-43; *Use:* These information requirements are needed to determine if a supplier is in compliance with published health and safety requirements for participating in the Medicare program; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 469 recordkeepers; *Average Hours per Response:* 2.5 (recordkeeping); *Total Estimated Burden Hours:* 1,173 (recordkeeping).

2. *Type of Request:* Reinstatement; *Title of Information Collection:* Statistical Report on Medical Care: Eligibles, Recipients, Payments and Services; *Form Number:* HCFA-2082; *Use:* The data reported are the basis for (1) actuarial forecasts for Medicaid services, utilizations and costs, (2) analyses and cost savings estimates required for legislative initiatives relating to Medicaid, and (3) responses for information from HCFA components, the Department of Health and Human Services, the Congress, and the press; *Frequency:* Quarterly; *Respondents:* State/local government; *Estimated Number of Responses:* 204; *Average Hours per Response:* 93.74; *Total Estimated Burden Hours:* 19,123.

3. *Type of Request:* New; *Title of Information Collection:* Attending Physician's Parenteral/Enteral Nutrition Certification of Medical Necessity; *Form*

*Numbers:* HCFA-191 and 195; *Use:* The certification for medical necessity for parenteral and enteral nutrition is needed to protect the Medicare program from paying for unnecessary services by standardizing the information collected to determine coverage. Forms will be used by carriers in the processing of Medicare claims; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 492,000; *Average Hours per Response:* .2; *Total Estimated Burden Hours:* 98,400 reporting, 30,000 recordkeeping—total 128,400.

4. *Type of Request:* New; *Title of Information Collection:* Evaluation of the OBRA 1987 Medicare Payment for Therapeutic Shoes Beneficiary Survey; *Form Number:* HCFA-R-25; *Use:* The survey will determine whether foot infections are less common among those wearing therapeutic shoes, whether therapeutic shoe purchase rates are different among the treatment and control groups, and whether those who purchase the shoes wear them; *Frequency:* One-time; *Respondents:* Individuals/households; *Estimated Number of Responses:* 2,174; *Average Hours per Response:* .183; *Total Estimated Burden Hours:* 398.

5. *Type of Request:* New; *Title of Information Collection:* Clinical Laboratory Improvement Amendments (CLIA) of 1988, Regulation HSQ-176, 42 CFR 493; *Form Number:* HCFA-R-26; *Use:* CLIA requires every laboratory, with certain exceptions contained in the regulation, that performs testing on human specimens to meet performance requirements in order to be certified by the Department of Health and Human Services. This regulation implements the certificate, laboratory standards, and inspection requirements of CLIA; *Frequency:* On occasion; *Respondents:* Individuals/households, businesses/other for profit, non-profit institutions, State/local governments, Federal agencies/employees, and small businesses/organizations; *Estimated Number of Responses:* 100,000; *Average Hours per Response:* 161.34 (first year only—134 for subsequent years); *Total Estimated Burden Hours:* 16,134,136 (first year only—13,381,136 for subsequent years).

*Additional Information or Comments:* Call the Reports Clearance Officer on 410-966-2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Eydt, New Executive Office

Building, room 3208, Washington, DC, 20503.

Dated: February 10, 1992.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 92-4355 Filed 2-25-92; 8:45 am]

BILLING CODE 4120-03-M

### Hearing: Reconsideration of Disapproval of Pennsylvania State Plan Amendment (SPA)

**AGENCY:** Health Care Financing Administration, HHS.

**ACTION:** Notice of hearing.

**SUMMARY:** This notice announces an administrative hearing on April 7, 1992 at 10 a.m. in room 3030, 3535 Market Street, Philadelphia, Pennsylvania to reconsider our decision to disapprove Pennsylvania SPA 90-26.

**CLOSING DATE:** Requests to participate in the hearing as a party must be received by the Docket Clerk by March 12, 1992.

**FOR FURTHER INFORMATION CONTACT:** Docket Clerk, HCFA Hearing Staff, 1849 Gwynn Oak Avenue, Gwynn Oak Building, Ground Floor, Baltimore, Maryland, 21207, Telephone: (410) 597-3013.

**SUPPLEMENTARY INFORMATION:** This notice announces an administrative hearing to reconsider our decision to disapprove Pennsylvania State plan amendment (SPA) number 90-26.

Section 1116 of the Social Security Act (the Act) and 42 CFR, part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).



If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The Commonwealth of Pennsylvania has requested an effective date of April 1, 1989, for State Medicaid plan amendment transmittal number 90-26. This plan amendment proposes to make language clarifications only to a payment methodology that was part of a previously approved plan amendment (TN 89-03, effective April 1, 1989). The Commonwealth requested an April 1, 1989 effective date of this clarification as a result of two court orders in *West Virginia University Hospitals, Inc. vs. Robert Casey et al.*, Civil Action No. 1: CF-86-0955.

The issue in the matter is whether Pennsylvania's proposed effective date complies with the Health and Human Services (HHS) Appropriations Act and Federal regulation at 42 CFR 447.256(c), which requires that a State plan become effective not earlier than the first day of the calendar quarter in which an approvable amendment is submitted. An approvable amendment must be submitted in accordance with 42 CFR 430.20 and 42 CFR 447.253.

HCFA believes the proposed effective date of the plan amendment is not approvable because the Commonwealth has failed to comply with the HHS Appropriations Act and Federal regulation at 42 CFR 447.256(c) which requires that an SPA that is approved will become effective not earlier than the first day of the calendar quarter in which an approvable amendment is submitted.

Although HCFA advised the Commonwealth that the proposed effective date is unapprovable, the Commonwealth has continued to request April 1, 1989 as its effective date. The Commonwealth contends that due to the court order that was imposed on the State, it was unable to comply with the public notice requirements in 42 CFR 447.256(c). However, the court order does not specify an effective date and only requires additional clarification to an already approved SPA. Furthermore, although the Commonwealth has assured HCFA that this plan amendment does not require additional State or Federal dollars, and only clarifies an existing payment methodology, HCFA is not convinced by the Commonwealth's assurance that no additional monies are involved. Due to this uncertainty, HCFA believes that approval of the plan with its April 1, 1989 effective date would violate the Federal Appropriations Act and applicable Federal regulations.

The notice to Pennsylvania announcing an administrative hearing to

reconsider the disapproval of its SPA reads as follows:

Mr. David L. Feinberg,  
Acting Deputy, Department of Public  
Welfare, P.O. Box 2675, Harrisburg,  
Pennsylvania 17105

Dear Mr. Feinberg: I am responding to your request for reconsideration of the decision to disapprove Pennsylvania State Plan Amendment (SPA) 90-26.

The Commonwealth of Pennsylvania has requested an effective date of April 1, 1989, for State Medicaid plan amendment transmittal number 90-26. This plan amendment proposes to make language clarifications only to a payment methodology that was part of a previously approved plan amendment (TN 89-03, effective April 1, 1989). The Commonwealth requested in April 1, 1989 effective date of this clarification as a result of two court orders in *West Virginia University Hospitals, Inc. vs. Robert Casey et al.*, Civil Action No. 1: CV-86-0955.

The issue in the matter is whether Pennsylvania's proposed effective date complies with the Health and Human Services Appropriations Act and Federal regulation at 42 CFR 447.256(c), which requires that a State plan become effective not earlier than the first day of the calendar quarter in which an approvable amendment is submitted. An approvable amendment must be submitted in accordance with 42 CFR 430.20 and 42 CFR 447.253.

Although HCFA advised the Commonwealth that the proposed effective date is unapprovable, the Commonwealth has continued to request April 1, 1989 as its effective date. The Commonwealth contends that due to the court order that was imposed on the State, it was unable to comply with the public notice requirements in 42 CFR 447.256(c). However, the court order does not specify an effective date and only requires additional clarification to an already approved SPA. Furthermore, although the Commonwealth has assured HCFA that this plan amendment does not require additional State or Federal dollars, and only clarifies an existing payment methodology, HCFA is not convinced by the Commonwealth's assurance that no additional monies are involved. Due to this uncertainty, HCFA believes that approval of the plan with its April 1, 1989 effective date would violate the Federal Appropriations Act and applicable Federal regulations.

Pennsylvania's request for reconsideration was received in the Philadelphia Regional Office on December 20, 1991, however, it was not forwarded to HCFA central office until January 22, 1992. As a result, we could not meet the requirement in 42 CFR 430.18(b) that we notify you of the time and place of the hearing within 30 days of receipt of your request for reconsideration. We have scheduled a hearing consistent with 42 CFR 430.72(a), which requires the hearing to be scheduled not less than 30 days nor more than 60 days after the date of this letter.

I am scheduling a hearing on your request for reconsideration to be held on April 7, 1992 at 10 a.m. in room 3030, 3535 Market Street, Philadelphia, Pennsylvania. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

The hearing will be governed by the procedures prescribed at 42 CFR, part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597-303.

Sincerely,

Gail R. Wilensky,  
Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: February 18, 1992.

Gail R. Wilensky,

Administrator, Health Care Financing  
Administration.

[FR Doc 92-4356 Filed 2-25-92; 8:45 am]

BILLING CODE 4120-03-M

## National Institutes of Health

### National Institute on Aging; Meetings

Pursuant to Public Law 92-463, notice is hereby given of Subcommittees A and B meetings of the Biological and Clinical Aging Review Committee, and of Subcommittees A and B of the Neuroscience, Behavior and Sociology of Aging Review Committee.

These meetings will be open to the public as indicated below to discuss administrative details and other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, National Institute on Aging, Gateway Building, room 2C218, National Institutes of Health, Bethesda, Maryland, 20892 (301/496-9322), will provide summaries of the



meetings and rosters of the committee members upon request.

Other information pertaining to the meetings can be obtained from the Executive Secretary indicated below:

Name of Subcommittee: Subcommittee A—Biological and Clinical Aging Review Committee.

Executive Secretary: Dr. Daniel Eskinazi, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 9–11, 1992.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.

Open: March 9–6:45 p.m. to 7 p.m.

Closed: March 9–7 p.m. to adjournment on March 11.

Name of Subcommittee: Subcommittee B—Biological and Clinical Aging Review Committee.

Executive Secretary: Dr. James Harwood, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 17–19, 1992.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.

Open: March 17–8 p.m. to 9 p.m.

Closed: March 18–8:30 a.m. to adjournment on March 19.

Name of Subcommittee: Subcommittee A—Neuroscience, Behavior and Sociology of Aging Review Committee.

Executive Secretaries: Dr. Maria Mannarino, Dr. Louise Hsu, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 10–12, 1992.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.

Open: March 10–7:30 p.m. to 7:45 p.m.

Closed: March 11–8:30 a.m. to adjournment on March 12.

Name of Subcommittee: Subcommittee B—Neuroscience, Behavior and Sociology of Aging Review Committee.

Executive Secretary: Dr. Walter Spieth, Gateway Building, room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9666.

Dates of Meeting: March 11–13, 1992.

Place of Meeting: Marriott Residence Inn, 7335 Wisconsin Ave., Bethesda, Maryland 20814.

Open: March 11–8 p.m. to 8:30 p.m.

Closed: March 12–8:30 a.m. to adjournment on March 13.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health)

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4288 Filed 2-25-92; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Allergy and Infectious Diseases Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the Basic Sciences I Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases on March 10–12, 1992, at the Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, Maryland 20814 which was published in the *Federal Register* on February 12, (57 FR 5160).

This committee was to have convened at 8:30 a.m. on March 10 and continue until adjournment on March 12. The meeting has been changed to convene on March 10, 1992, at 12 noon and continue until adjournment on March 10 at the Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

The meeting will be open to the public from 12 noon to 12:20 p.m. and will be closed from 12:20 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications and contract proposals.

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4291 Filed 2-25-92; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Diabetes and Digestive and Kidney Diseases; National Kidney and Urologic Diseases Advisory Board; Meeting

Pursuant to Public Law 92-463, notice is hereby given for the meeting of the National Kidney and Urologic Diseases Advisory Board on March 22–23, 1992. The Research Subcommittee and the Health Care Issues Subcommittee meetings will be held on March 22 from 7:30 p.m. to recess and on March 23 from 7:30 a.m. to approximately 9:30 a.m., to discuss future kidney related activities. These subcommittee meetings will be held at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland. The full Board meeting will be held on March 23 from 10 a.m. to approximately 3:45 p.m. in Conference Room 6, Building 31, National Institutes of Health,

Bethesda, Maryland, to discuss the future activities of the Board and the 1992 Annual Report. All meetings will be open to the public. Attendance by the public will be limited to space available.

Dr. Ralph Bain, Executive Director, National Kidney and Urologic Diseases Advisory Board, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: February 18, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-4289 Filed 2-25-92; 8:45 am]

BILLING CODE 4140-01-M

### National Institute of Diabetes and Digestive and Kidney Diseases; Meeting: National Diabetes Advisory Board and the Translation Subcommittee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on March 15–16, 1992. The Translation Subcommittee will be held on March 15 from 7 p.m. to approximately 9 p.m. to discuss plans for addressing diabetes translation activities. The full Board meeting will be held on March 16 from 8:15 a.m. to approximately 4:30 p.m. to discuss the minority research training and future activities of the Board. All meetings will be held at the San Diego Princess Hotel in San Diego, California. Although the entire meeting will be open to the public, attendance will be limited to space available.

For any further information, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496-6045. His office will provide, for example, a membership roster of the Board and an agenda and summaries of the actual meetings.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)



Dated: February 18, 1992.

Susan K. Feldman,  
Committee Management Officer, NIH.  
[FR Doc. 92-4290 Filed 2-25-92; 8:45 am]  
BILLING CODE 4140-01-M

**National Institute of Environmental Health Sciences; Meeting of Board of Scientific Counselors, Division of Biometry and Risk Assessment**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DBRA, March 10-11, 1992, in Building 101 Conference Room, South Campus, NIEHS, Research Triangle Park, North Carolina.

This meeting will be open to the public from 8:30 a.m. to 5 p.m. on March 10 and from 8:30 a.m. to 11 a.m. on March 11, for the purpose of presenting an overview of the organization and conduct of research in the Laboratory of Molecular Toxicology. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sec. 552b(c)(6) of title 5 U.S. Code and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on March 11, from 11 a.m. to adjournment, for the evaluation of the Laboratory of Molecular Toxicology, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

The Executive Secretary, Dr. David Hoel, Director, Division of Biometry and Risk Assessment, NIEHS, Research Triangle Park, NC 27709, telephone (919) 541-3441, FTS 629-3441, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: February 10, 1992.

Susan K. Feldman,  
Committee Management Officer, NIH.  
[FR Doc. 92-4284 Filed 2-25-92; 8:45 am]  
BILLING CODE 4140-01-M

**National Institute of Environmental Health Sciences; Meeting of Environmental Health Sciences Review Committee**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on March 30-31, 1992 at the National Institute of Environmental Health Sciences, Building 101 Conference Room, South Campus,

Research Triangle Park, North Carolina. The meeting will be open to the public on March 30 from 9 a.m. to approximately 12 noon for general discussion. Attendance by the public is limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public March 30, from approximately 1 p.m. to adjournment on March 31, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Drs. John Braun, Carol Shreffler or Donald McRee, Scientific Review Administrators, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541-7826), will provide summaries of meeting and rosters of committee members.

(Catalog of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation; 93.894, Research and Manpower Development, National Institutes of Health)

Dated: February 18, 1992.

Susan K. Feldman,  
Committee Management Officer, NIH.  
[FR Doc. 92-4281 Filed 2-25-92; 8:45 am]  
BILLING CODE 4140-01-M

**Office of Community Services**

**Fiscal Year (FY) 1993 State Median Income Estimates for Use Under the Administration for Children and Families, Office of Community Services, Division of Energy Assistance**

**AGENCY:** Administration for Children and Families (ACF), DHHS.

**ACTION:** Notice of estimated state median income for Fiscal Year (FY) 1993.

**SUMMARY:** This notice announces the estimated median income for four-person families in each state and the District of Columbia for FY 1993. This

listing of estimated state median incomes concerns maximum income levels for households to which the states may make payments under the Low Income Home Energy Assistance Program (LIHEAP).

**EFFECTIVE DATE:** The estimates are effective as of October 1, 1992.

**FOR FURTHER INFORMATION CONTACT:**

Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW, Washington, DC 20447, Telephone: (202) 401-5304.

**SUPPLEMENTARY INFORMATION:** Under the provisions of section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, as amended), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for the period of October 1, 1992, through September 30, 1993. Section 2605(b)(2)(B)(ii) of the Statute provides that 60 percent of the median income for each state, as annually established by the Secretary of Health and Human Services, is one of the income criteria that states can use in determining a household's eligibility for LIHEAP. The purpose of this announcement is to provide estimates of state median income for use in FY 1993.

LIHEAP is currently authorized through the end of FY 1994 by provisions of title VII of the Augustus F. Hawkins Human Services Reauthorization Act of 1990, Public Law 101-501, enacted on November 3, 1990. Under this Act, the current income eligibility provisions relating to state median income remain unchanged.

Estimates of the median income of four-person families for each state and the District of Columbia for FY 1993 were developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recent available income data. In developing the median income estimates for FY 1993, the Bureau of the Census used the following three sources of data: (1) The March 1991 Current Population Survey; (2) the 1980 Census of Population; and (3) 1990 per capita personal income estimates, by state, from the Bureau of Economic Analysis of the U.S. Department of Commerce.

The estimating method for FY 1993 is similar to that used in previous years. Beginning with the estimating method for FY 1987, Current Population Survey sample estimates for three and five-



person families and their relationships to four-person family medians are now used in addition to the Current Population Survey sample estimates of four-person family medians already in use. For further information, contact Chuck Nelson, Assistance Division Chief (Economic Characteristics), Housing and Household Economic Statistics Divisions, at the Bureau of the Census (301-763-8029).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 1993 follows. The listing describes the method for adjusting median income for families of different sizes as specified in 45 CFR 96.85(b), which was published in the *Federal Register* on March 3, 1988 at 53 FR 6824.

February 19, 1992.

Eunice S. Thomas,

Director, Office of Community Services.

#### Estimated State Median Income for 4-Person Families, by State, Fiscal Year 1993<sup>1 2</sup>

States	Estimated state median income 4-person families	60 percent of estimated state median income 4-person families
Alabama.....	\$35,937	\$21,562
Alaska.....	51,538	30,923
Arizona.....	38,799	23,279
Arkansas.....	31,913	19,148
California.....	45,184	27,110
Colorado.....	41,803	25,082
Connecticut.....	53,931	32,359
Delaware.....	46,425	27,914
District of Col.....	38,824	23,294
Florida.....	38,438	23,063
Georgia.....	41,184	24,710
Hawaii.....	50,234	30,160
Idaho.....	34,091	20,455
Illinois.....	44,220	26,532
Indiana.....	39,700	23,820
Iowa.....	38,090	22,854
Kansas.....	40,576	24,346
Kentucky.....	36,348	21,809
Louisiana.....	36,510	21,906
Maine.....	38,848	23,309
Maryland.....	53,385	32,031
Massachusetts.....	52,171	31,303
Michigan.....	43,545	26,127
Minnesota.....	43,031	25,819
Mississippi.....	30,242	18,145
Missouri.....	39,766	23,860
Montana.....	35,105	21,063
Nebraska.....	39,644	23,798
Nevada.....	41,629	24,977
New Hampshire.....	49,088	29,453
New Jersey.....	56,436	33,862
New Mexico.....	32,941	19,765
New York.....	44,200	26,520
North Carolina.....	38,718	23,831
North Dakota.....	36,127	21,676
Ohio.....	42,821	25,693
Oklahoma.....	34,141	20,485
Oregon.....	39,653	23,792
Pennsylvania.....	40,892	24,535
Rhode Island.....	44,598	26,759

States	Estimated state median income 4-person families	60 percent of estimated state median income 4-person families
South Carolina.....	38,797	23,278
South Dakota.....	34,632	20,779
Tennessee.....	34,279	20,567
Texas.....	37,789	22,673
Utah.....	38,632	23,179
Vermont.....	41,312	24,787
Virginia.....	44,597	26,758
Washington.....	44,306	26,584
West Virginia.....	33,666	20,200
Wisconsin.....	43,182	25,909
Wyoming.....	36,796	22,078

NOTE—The estimated median income for 4-person families living in the United States is \$41,451 for the period of October 1, 1992, through September 30, 1993.

<sup>1</sup> In accordance with 45 CFR 96.85, each state's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for size persons. For family sized greater than six persons, add 3% to 132% for each additional family members and multiply the new percentage by the state's dollar amount for 4-person families.

<sup>2</sup> Prepared by the Bureau of the Census from the March 1991 current Population Survey, 1980 Census of Population and Housing, and 1990 per capita personal income estimates, by state, from the Bureau of Economic Analysis.

[FR Doc. 92-4393 Filed 2-25-92; 8:45 am]

BILLING CODE 4130-01-M

#### Public Health Service

#### Food, Agriculture, Conservation, and Trade Act of 1990, The National Laboratory Accreditation Program; Delegation of Authority

Notice is hereby given that I have delegated to the Assistant Secretary for Health, with authority to redelegate, all the authorities vested in the Secretary under sections 1322 (b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program, 7 U.S.C. 138a), as amended hereafter. This delegation excludes the authority to submit reports to the Congress.

This delegation became effective upon the date of signature. In addition, I hereby affirm and ratify any actions taken by the Assistant Secretary for Health and his subordinates which involved the exercise of the delegated authorities prior to the effective date of the delegations.

Dated: February 14, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-4380 Filed 2-25-92; 8:45 a.m.]

BILLING CODE: 4180-01-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-92-3355; FR-3148-N-2]

#### Correction to Funding Availability (NOFA) for Comprehensive Improvement Assistance Program (CIAP)

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Correction to February 10, 1992 Notice of Funding Availability.

**SUMMARY:** On February 10, 1992, HUD published a Notice of Funding Availability (NOFA) informing Public Housing Agencies and Indian Housing Authorities of the amount of CIAP funds available during FY 1992. Today's Notice revises the subassignments of funds to Indian field offices.

#### FOR FURTHER INFORMATION CONTACT:

Dom Nessi, Office of Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., room 4140, Washington, DC 20410. Telephone (202) 708-1015. (This is not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

On February 10, 1992, the Department published at 57 FR 4916, a Notice of Funding Availability (NOFA) announcing the availability of fiscal year (FY) 1992 funding authority for the Comprehensive Improvement Assistance Program (CIAP), as provided in the FY 1992 HUD Appropriations Act, Public Law 102-139, Approved October 28, 1991. Under the heading "Subassignment of funds to Indian field offices", at page 4917, section (4)(ii), the NOFA contained a table showing the distribution of CIAP funds for IHAs.

This Notice revises the subassignment to the OIPs as percentages of the total available funding of \$544,601,052 as follows:

Indian offices	Percent of CIAP funds for Indian housing
Chicago (Region V) .....	1.54
Oklahoma City (Region VI) .....	.94
Denver (Region VIII) .....	1.14
Phoenix (Region IX) .....	1.04
Seattle (Region X) .....	.51
Anchorage (Region X) .....	.83
Total .....	6.00



A correction of this information is necessary because there was an error in the calculation of the percentages based on the funds to be allocated to the Regional Offices.

This correction notice does not affect the distribution of CIAP funds for PHAs, excluding IHAs, assigned by Headquarters to the Regional Offices, or the distribution of CIAP funds for PHAs, excluding IHAs, subassigned to Field offices.

Dated: February 20, 1992.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 92-4340 Filed 2-25-92; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-921-08-4121-14; MTM 80697]

#### Coal Lease Application—MTM 80697—Western Energy Co.

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

**SUMMARY:** This is notice of Western Energy Company's Coal Lease Application MTM 80697 for certain coal resources within the Powder River Coal Region.

The land included in Coal Lease Application MTM 80697 is located in Rosebud County, Montana, and is described as follows:

- T. 1 N., R. 39 E., P.M.M.,  
Sec. 2: S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 1 N., R. 40 E., P.M.M.,  
Sec. 6: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 8: E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 14: S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 2 N., R. 40 E., P.M.M.,  
Sec. 32: All.

The 2,061.00 acre tract contains an estimated 39.3 million tons of recoverable reserves.

The application will be processed in accordance with the provisions of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181, *et seq.*), and the implementing regulations at 43 CFR part 3400. A decision to allow leasing of the coal resources in said tract will result in a competitive lease sale to be held at a time and place to be announced through publication pursuant to 43 CFR part 3422.

**SUPPLEMENTARY INFORMATION:** Western Energy is lessee and operator of several federal coal leases at the Rosebud Mine near Colstrip, Montana. The area applied for is within an existing

approved life-of-mine plan, with the exception of a portion of Section 14 in T. 1 N., R. 40 E., which is included within the Area B Extension Mine application now under final stages of review by the Montana Department of State Lands and the Office of Surface Mining.

No additional exploration and/or exploratory drilling is anticipated for these areas prior to leasing. Exploration and drilling was conducted in the 1980-1985 era in preparation for the submittal of the Area C Amendment Permit Application and the Area B Extension Permit Application.

The mining production sequence for the proposed lease tracts will be incorporated into the existing mine plan for Area C and the proposed mine plan for Area B Extension.

**NOTICE OF AVAILABILITY:** The application is available for review between the hours of 9 a.m. to 4 p.m. at the Bureau of Land Management, Montana State Office, 222 North 32nd Street, Billings, Montana 59101, and at the Bureau of Land Management Miles City District Office, whose address is Garryowen Road, Miles City, Montana 59301 between the hours of 7:45 a.m. to 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ed Hughes (telephone 406-255-2813), Bureau of Land Management, Montana State Office, 222 North 32nd Street, P.O. Box 36800, Billings Montana 59107-6800.

Dated: February 14, 1992.

Robert H. Lawton,

State Director.

[FR Doc. 92-4345 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-DN-M

[ID-921-02-4143-13; IDI-20422]

#### Revision of the Webster Range-Dry Ridge Known Leasing Area (Phosphate); ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Known Leasing Area revision.

**SUMMARY:** Re-evaluation of the Webster Range-Dry Ridge Known Leasing Area (Phosphate), based upon more recent geologic information, indicates that the boundaries of the Known Leasing Area are in need of revision. This evaluation action involves a revision of the Webster Range-Dry Ridge Known Leasing Area (Phosphate) in T. 7 S., R. 45 E., and T. 8 S., R. 46 E., Boise Meridian, Idaho. Detailed information regarding this action, a description of lands included in the Webster Range-Dry Ridge Known Leasing Area (Phosphate), and a diagram showing its

boundaries are on file at the Idaho State Office of the BLM.

**EFFECTIVE DATE:** October 31, 1991.

**ADDRESSES:** Inquiries should be sent to State Director (921), Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

**FOR FURTHER INFORMATION CONTACT:** Robert Mallis, (208) 384-3030.

Pursuant to authority contained in the Act of March 3, 1879, (43 U.S.C. 31) as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretarial Orders No. 3071 and 3087, the Webster Range-Dry Ridge Known Leasing Area (Phosphate), serial number IDI-20422, is revised effective October 31, 1991, as follows.

Lands added to the Webster Range-Dry Ridge Known Leasing Area (Phosphate):

Boise Meridian

T. 7 S., R. 45 E.,

Sec. 30, Lot 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 91.16 acres.

T. 8 S., R. 46 E.,

Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$ .

Containing 280.00 acres.

Dated: February 14, 1992.

Delmar D. Vail,

State Director.

[FR Doc. 92-4350 Filed 2-25-92; 8:45 am]

BILLING CODE: 4310-GG-M

[ID-921-02-4143-13; IDI-20423]

#### Revision of the Aspen Range Known Leasing Area (Phosphate); Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of known leasing area revision.

**SUMMARY:** Re-evaluation of the Aspen Range Known Leasing Area (Phosphate), based upon more recent geologic information, indicates that the boundaries of the Known Leasing Area are in need of revision. This evaluation action involves a revision of the Aspen Range Known Leasing Area (Phosphate) in T. 9 S., R. 43 E., Boise Meridian, Idaho. Detailed information regarding this action, a description of lands included in the Aspen Range Known Leasing Area (Phosphate), and a diagram showing its boundaries are on file at the Idaho State Office of the BLM.

**EFFECTIVE DATE:** October 31, 1991.

**ADDRESSES:** Inquiries should be sent to State Director (921), Bureau of Land



Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

**FOR FURTHER INFORMATION CONTACT:** Robert Mallis, (208) 384-3030.

Pursuant to authority contained in the Act of March 3, 1879, (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretarial Orders No. 3071 and 3087, the Aspen Range Known Leasing Area (Phosphate), serial number IDI-20423, is revised effective October 31, 1991, as follows. Lands deleted from the Aspen Range Known Leasing Area (Phosphate):

**BOISE MERIDIAN**

T. 9 S., R. 43 E.,

Sec. 2, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 15, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;

Sec. 22, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

Sec. 23, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

Containing 240.00 acres.

Lands added to the Aspen Range Known Leasing Area (Phosphate):

**BOISE MERIDIAN**

T. 9 S., R. 43 E.,

Sec. 15, NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 22, W  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 27, N  $\frac{1}{2}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

Containing 280.00 acres.

Dated: February 14, 1992.

Delmar D. Vail,

State Director.

[FR Doc. 92-4346 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-921-02-4143-13; IDI-20418]

**Notice of Revision of the Grays Range-Wooley Range Known Leasing Area (Phosphate); ID**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of known leasing area revision.

**SUMMARY:** Re-evaluation of the Grays Range-Wooley Range Known Leasing Area (Phosphate), based upon more recent geologic information, indicates that the boundaries of the Known Leasing Area are in need of revision. This evaluation action involves a revision of the Grays Range-Wooley Range Known Leasing Area (Phosphate) in T. 6 S., R. 43E., and T. 6 S., R. 44 E., Boise Meridian, Idaho. Detailed information regarding this action, a description of lands included in the Grays Range-Wooley Range Known Leasing Area (Phosphate), and a diagram showing its boundaries are on file at the Idaho State Office of the BLM.

**EFFECTIVE DATE:** October 31, 1991.

**ADDRESSES:** Inquiries should be sent to State Director (921), Bureau of Land

Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

**FOR FURTHER INFORMATION CONTACT:** Robert Mallis, (208) 384-3030.

Pursuant to authority contained in the Act of March 3, 1879, (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Department Manual 2, and Secretarial Orders No. 3071 and 3087, the Grays Range-Wooley Range Known Leasing Area (Phosphate), serial number IDI-20418, is revised effective October 31, 1991, as follows.

Lands deleted from the Grays Range-Wooley Range Known Leasing Area (Phosphate):

**Boise Meridian**

T. 6 S., R. 43 E.,

Sec. 22, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

Containing 120.00 acres.

Lands added to the Grays Range-Wooley Range Known Leasing Area (Phosphate):

**Boise Meridian**

T. 6 S., R. 44 E.,

Sec. 31, SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

Containing 40.00 acres.

T. 6 S., R. 43 E.,

Sec. 21, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ .

Containing 40.00 acres.

Dated: February 14, 1992.

Delmar D. Vail,

State Director.

[FR Doc. 92-4351 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-921-02-4143-13; IDI-20421]

**Revision of the Schmid Ridge Known Leasing Area (Phosphate); ID**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Known Leasing Area revision.

**SUMMARY:** Re-evaluation of the Schmid Ridge Known Leasing Area (Phosphate), based upon more recent geologic information, indicates that the boundaries of the Known Leasing Area are in need of revision. This evaluation action involves a revision of the Schmid Ridge Known Leasing Area (Phosphate) in T. 8 S., R. 44 E., and T. 9 S., R. 44 E., Boise Meridian, Idaho. Detailed information regarding this action, a description of lands included in the Schmid Ridge Known Leasing Area (Phosphate), and a diagram showing its boundaries are on file at the Idaho State Office of the BLM.

**EFFECTIVE DATE:** October 31, 1991.

**ADDRESSES:** Inquiries should be sent to State Director (921), Bureau of Land

Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

**FOR FURTHER INFORMATION CONTACT:** Robert Mallis, (208) 384-3030.

Pursuant to authority contained in the Act of March 3, 1879, (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, and Secretarial Orders No. 3071 and 3087, the Schmid Ridge Known Leasing Area (Phosphate), serial number IDI-20421, is revised effective October 31, 1991, as follows.

Lands deleted from the Schmid Ridge Known Leasing Area (Phosphate):

**Boise Meridian**

T. 9 S., R. 44 E.,

Sec. 17, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 18, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;

Sec. 21, E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 28, W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 32, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

Containing 480.00 acres.

Lands added to the Schmid Ridge Known Leasing Area (Phosphate):

**Boise Meridian**

T. 8 S., R. 44 E.

Sec. 6, NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

Containing 40.00 acres.

T. 9 S., R. 44 E.,

Sec. 24, NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 25, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 26, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , E  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 35, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;

Sec. 36, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ .

Containing 360.00 acres.

Dated: February 14, 1992.

Delmar D. Vail,

State Director.

[FR Doc. 92-4348 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-GG-M

[NV-050-4410-08]

**Nellis Air Force Range; Approved Resource Plan and Record of Decision**

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Availability of the Approved Nellis Air Force Range Resource Plan (RP) and Record of Decision (ROD) and notice of designation of the Timber Mountain Caldera National Natural Landmark Area of Critical Environmental Concern (ACEC).

**SUMMARY:** Notice is given that the Bureau of Land Management (BLM) has released the Approved Nellis Air Force Range RP and ROD. The RP was prepared as a result of the Military Lands Withdrawal Act of 1986 (Pub. L. 99-606), as amended on June 17, 1988 (Pub. L. 100-338). This plan outlines the



level of management for the natural and cultural resources on approximately 2.2 million acres of withdrawn public lands on the Nellis Air Force Range in Nye, Lincoln, and Clark Counties, Nevada. These lands have been withdrawn for use as a high-hazard military weapons training and testing area. Resource management options are, therefore, limited and the RP reflects those limitations imposed by military use of the planning area.

This Approved RP and ROD completes the resource plan development and associated environmental documentation for the Nellis Air Force Range planning area, as required by the Federal Lands Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), and the Military Lands Withdrawal Act of 1986. An "Implementation Plan" will be completed over the next several months, outlining the steps for implementation of the management actions of this RP.

The Approved RP and ROD designate the Timber Mountain Caldera National Natural Landmark Area of Critical Environmental Concern (ACEC). The 110,720 acre ACEC is a part of a larger area that is withdrawn from all forms of public land entry. Access to the proposed ACEC is restricted and subject to Nellis Air Force Base authorization. This will not change under the ACEC designation. This notice meets the requirements of 43 Code of Federal Regulations 1610.7-2 for designation of ACECs.

**FOR FURTHER INFORMATION CONTACT:** Curtis Tucker, Area Manager, Caliente Resource Area, P.O. Box 237, Caliente, NV 89008, or telephone (702) 726-3141.

**SUPPLEMENTARY INFORMATION:** Copies of the Approved RP and ROD may be obtained from the Caliente Area Office at the above address. Copies are available for review at the following BLM Offices:

Las Vegas District Office, 4765 Vegas Drive, Las Vegas, NV 89126

Caliente Resource Area, U.S. Highway 93, Caliente, NV 89008

Tonopah Resource Area, Bldg. 102, Military Circle, Tonopah, NV 89049

Nevada State Office, BLM, 850 Harvard Way, Reno, NV 89520-0006

Copies may also be reviewed at public libraries throughout Clark County; Beatty, Tonopah, and Pioche; the Washoe County Library in Reno, the State Library in Carson City, and the libraries at the University of Nevada-Las Vegas and the University of Nevada, Reno.

Dated: February 14, 1992.

**Billy R. Templeton,**  
State Director, Nevada.

[FR Doc. 92-4300 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-HC-M

[ID-943-4214-11; IDI-15697]

### Notice of Proposed Continuation of Withdrawal; ID

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management proposes that a 67.00 acre withdrawal for Powersite Classification No. 356, continue for an additional 20 years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have been and would remain open to mineral leasing and mining.

**DATE:** Comments should be received within 90 days of the date of publication of this notice.

**FOR FURTHER INFORMATION:** Larry Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, (208) 384-3166. The Bureau of Land Management proposes that the existing land withdrawal made by secretarial order dated May 18, 1944, for Powersite Classification No. 356, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976; 90 Stat. 2751; 43 U.S.C. 1741, insofar as it affects the following described land:

Boise Meridian

T. 62 N., R. 2 E.,

Sec. 25, lots 1 and 4.

T. 62 N., R. 3 E.,

Sec. 30, SW 1/4 NW 1/4.

The area described contains 67.00 acres in Boundary County.

The withdrawal is essential for protection of waterpower values. The existing withdrawal closes the described land to surface entry, but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address. The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by

the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: February 14, 1992.

**William E. Ireland,**  
Chief, Realty Operations Section.

[FR Doc. 92-4349 Filed 2-25-92; 8:45 a.m.]

BILLING CODE 4310-GG-M

### National Park Service

#### Denali National Park; Subsistence Resource Commission Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Subsistence Resource Commission meeting.

**SUMMARY:** The Superintendent of Denali National Park and Preserve and the Chairperson of the Subsistence Resource Commission for Denali National Park announce a forthcoming meeting of the Denali National Park Subsistence Resource Commission.

The following agenda items will be discussed:

- (1) Introduction of commission members and guests.
- (2) Review of minutes and old business.
- (3) Roster regulation update.
- (4) Federal Subsistence Management Program.
- (5) Park resource reports.
- (6) Denali's hunting plan review and workshop.
- (7) Public and other agency comments.
- (8) New business.

**DATES:** The meeting will begin at 9 a.m. on Friday, March 6, 1992, and conclude around 5 p.m.

**LOCATION:** The meeting will be held at the Cantwell Community Center, Cantwell, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Russ Berry, Superintendent, P.O. Box 9, Denali Park, Alaska 99755. Phone (907) 683-2294.

**SUPPLEMENTARY INFORMATION:** The Subsistence Resource Commission is authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96-487, and operates in accordance with the



provisions of the Federal Advisory Committees Act.

**John M. Morehead,**  
*Regional Director.*

[FR Doc. 92-4339 Filed 2-25-92; 8:45 am]

BILLING CODE 4310-70-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-335]

### Certain Dynamic Sequential Gradient Devices; Designation of Additional Commission Investigative Attorney

Notice is hereby given that, as of this date, Linda C. Odom, Esq. and Sarah C. Middleton, Esq. of the Office of Unfair Import Investigations are designated as the Commission investigative attorneys in the above-cited investigation instead of Linda C. Odom, Esq.

The Secretary is requested to publish this Notice in the *Federal Register*.

Dated: February 19, 1992.

**Lynn I. Levine,**

*Director, Office of Unfair Import Investigations.*

[FR Doc. 92-4388 Filed 2-25-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-322]

### Certain Pharmaceuticals and Intermediate Chemicals: Identification of Applicable 6-Digit HS Subheadings for Products Covered by the Proposed Uruguay Round Pharmaceutical Agreement

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation.

**EFFECTIVE DATE:** February 14, 1992.

#### FOR FURTHER INFORMATION CONTACT:

General inquiries regarding the investigation may be directed to Ms. Elizabeth R. Nesbitt (202) 205-3355, Energy and Chemicals Division, Office of Industries, U.S. International Trade Commission, Washington, DC 20436. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel (202) 205-3091.

**SUMMARY:** Following receipt on January 27, 1992, of a request from the United States Trade Representative (USTR), the Commission instituted investigation No. 332-322 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of providing a report listing the 6-digit Harmonized System (HS) subheading for each pharmaceutical product currently having an International Non-proprietary Name

(INN) and certain intermediate chemicals (used primarily in the production of pharmaceuticals) to be covered in the proposed "zero-for-zero" initiative on pharmaceuticals currently being negotiated in the Uruguay Round market access negotiations. In her request letter, the USTR asked the Commission to make its work available both to her office and the public on a flow basis. Per the USTR's request, the following intermediate chemicals will be considered in this investigation:

1,1'-(4-Chlorobutylidene)bis(4-fluorobenzene)  
m-Chlorobenzyl chloride  
4-Chloro-3-nitrotrifluoromethylbenzene  
Isophytol  
Sodium 4-chloro-1-hydroxy-1-butane sulphate  
2-Bromo-6-methoxynaphthalene  
3-Chloropropyl-2,5-xylyl ether  
Oxirane{[4-(2-methoxyethyl)phenoxy]methyl}-  
Diisopropoxycyclohexane  
9,10-Ethanoanthracene-9(10H)-acrolein  
6-Methoxy-2-naphthaldehyde  
Isobutyl acetophenone  
4-Chloro-1-(4-fluorophenyl)-1-butanone  
5-H-Dibenzo-[a,d]-cyclohepten-5-one  
2-Chloro-1(2,4-dichlorophenyl) ethanone  
10,11-Dihydro-5H-dibenzo-[a,d]-cyclohepten-5-one  
Pregna-1,4-diene-3,20-dione, 11,17,21-trihydroxy-16-methyl-, (11. alpha., 16.beta.)  
9-beta,11-beta-Epoxy 17-alpha, 21-dihydroxy-16-beta-methylpregna-1,4-diene-3,20-dione (9,11-epoxide)  
21-Acetoxy-17-alpha-hydroxy-16-beta-methylpregna-1,4,9-triene-3,20-dione  
D-(-)-3-Acetylthio-2-methyl propanoic acid  
Methyl-(R)-(-)-3-hydroxybutyrate  
Isobutyl-3,4-epoxybutanoate  
alpha-(2-Bromoethyl)-alpha-phenylbenzeneacetic acid  
2-Chloro-4,5-difluorobenzoic acid  
[(2-Methyl-1)-1-oxyl propoxy] (propoxy)-(4-phenylbutyl 1)-phosphinyl] cinchonidine salt  
[(2-Methyl-1)-1-oxyl propoxy] (propoxy)-(4-phenylbutyl 1)-phosphinyl] acetate  
Mono-4-nitrobenzyl malonate magnesium salt dihydrate  
Monophenyl phenyl malonate  
D(-)-alpha-Formyloxy-alpha-phenylacetyl chloride  
Calcium lactate gluconate  
8(S)-(2,2-dimethyl-1-oxobutoxy)-1,2,6,7,8,8-alpha(R), hexahydro-beta(R), delta (R)-dihydroxy-2(S), 6(R)-dimethyl-1(S)-naphthaleneheptanoic acid, ammonium salt  
1,2,6,7,8,8-alpha-Hexahydro beta, beta, delta, beta-dihydroxy-2 beta, 6 alpha-dimethyl-8 alpha-(2 beta-methyl-1-

oxobutoxy-1 beta-naphthaleneheptanoic acid, ammonium salt  
3-(2-Chloro-4,5-difluorophenyl)-3-oxopropionic acid ethyl ester  
Ethyl-2-oxo-4-phenylbutanoate  
16-alpha-Methyl-1,4-pregnadiene-17-alpha, 21-diol-3,20-dione, 21 acetate (6-alpha, 11-beta, 16-alpha, 17-alpha)-6,9-Difluoro-11,17-dihydroxy-16-methyl-3-oxoandrosta-1,4-diene-17-carboxylic acid  
21-Acetoxy-17-alpha-hydroxy-16-beta-methylpregna-1,4-diene,3,20-dione  
Pregna-1,4-diene-3,20-dione, 21-[(ethoxycarbonyl)oxy]-17-hydroxy-16-methyl-11-[(methylsulfonyl)oxy]-, (11-alpha-, 16-beta)  
Pregna-1,4,9-(11)-triene-3,20-dione,21-[(ethoxycarbonyl)oxy]-17-hydroxy-16-methyl-, (16-beta)  
Diethyl ethoxymethylene malonate  
Dihydro phenyl glycine  
Ethyl-2-(2-chloro-4,5-difluoro-benzoyl)-3-(2,4-difluoro phenyl-amino)-2-acrylate  
alpha', alpha', alpha'-Trifluoro-2,3-xylidine  
1-Naphthaleneamine,4-(3,4-dichlorophenyl)-1,2,3,4-tetrahydro-N-methyl-hydrochloride, trans-(+,-)  
N-Benzylmethylamine  
1-Deoxy-1-(octylamino)-D-glucitol  
2(S,3R)-(+)-4-Dimethylamino-3-methyl-1,2-diphenyl-2-butanol  
2-(3,4-Dimethoxyphenyl)ethylamine  
2-Amino-2'-chloro-5-nitrobenzophenone (S,S)-H-(1-Carboethoxy-3-phenyl-propyl)alanine  
4-Amino butric acid  
Benzenacetic acid, alpha-methyl-4-(2-methylpropyl)-(S)-, compound with L-lysine (1:1)  
Sodium D(-)-alpha-[(3-methoxy-1-methyl-3-oxo-1-propenyl)-amino]-phenyl acetate  
Potassium D(-)-alpha-[(methoxy-1-methyl-3-oxo-1-propenyl)-amino]-phenyl acetate  
trans-4-Cyclohexyl-L-proline hydrochloride  
2-Butenoic acid,3-amino-,methyl ester  
Potassium D(-)-alpha [(3-methoxy-1-methyl-3-oxo-1-propenyl)-amino]-4-hydroxy phenyl acetate  
Sodium D(-)-alpha-[(3-methoxy-1-methyl-3-oxo-1-propenyl)-amino]-4-hydroxyphenyl acetate  
D(-)-4-Hydroxyphenyl glycine  
N-Benzyl-N-tert-butyl-2-hydroxy-2-(3'-hydroxymethyl-4'-hydroxyphenyl)ethylamine  
Benzene-ethanamine-3,4-dimethoxy-beta-methyl  
4-Hydroxy-alpha-1-[(6-[4-phenylbutoxy]hexyl)-amino]methyl]-1,3-benzenedimethanol  
D(-)-alpha-Phenylglycine



- 4-Amino-5-chloro-2-methoxybenzoic acid  
2-(N-Benzyl-N-tert-butylamino)-4'-hydroxy-3'-hydroxymethylacetophenone hydrochloride  
(2S,3R)-(+)-2-(1S)-Hydroxyethyl-3-amino-1,5-pentane-dioic acid-5 methyl ester  
2-(Aminoxy)-2-methylpropanoic acid, monohydrochloride  
N-(2-Hydroxyethyl)actamide  
2,2-Dimethylcyclopropylcarboxamide  
5-(N,N-Dibenzylglycyl)salicylamide  
3-[(Dimethylamino)methyl]-1,2,3,9-tetrahydro-9-methyl-4H-carbazol-4-one  
1,2,3,9-Tetrahydro-9-methyl-3-[(2-methyl-1H-imidazol-1-yl)methyl]-4H-carbazolone  
Methyl 3-chloro-4-acetamido-6-methoxy-benzoate  
N-(Benzyl oxycarbonyl)-DL-valine  
1,2,3,9-Tetrahydro-9-methyl-4H-carbazol-4-one N-Acetylsulfanilyl chloride  
2-[4-(2-Hydroxy-3-isopropylaminopropoxy)phenyl]acetamide  
2-Methyl-N-[3-(trifluoromethyl)phenyl]propanamide  
Formylisopropylamide  
2,6-Piperidinedione 4-(4-chlorophenyl)  
Ethyl ethoxymethylene cyanoacetate  
(1)-N-(alpha-Cyano-4-hydroxy-3-methoxy-alpha methylphenethyl)acetamide  
alpha-Isopropyl-3,4,5-trimethoxybenzyl cyanide  
2-(3-Phenoxyphenyl)propiononitrile  
1-(4-Fluorophenyl)-4-oxocyclohexane-carbonitrile  
Alpha-Isopropyl-3,4-dimethoxybenzylcyanide  
N-para-Chlorobenzoyl-N-para-methoxyphenylhydrazine  
Dimethyl N-cyanodithioiminocarbonate  
2-Naphthylchlorothioformate  
cis-5-Fluoro-2-methyl-1-(para-methylthiobenzylidene)-indo-3-acetic acid  
N,N-Dimethylaminothioacetamide hydrochloride  
N-Methyl-1-(methylthio)-2-nitroethenamine  
4-Amino-N-methylbenzenemethanesulphonamide hydrochloride  
N-(2-Mercaptoethyl)-propanamide  
Tertiarybutyl (triphenylphosphoranylidene) acetate  
N-[2-[(5-Dimethylamino)methyl]-2-furanylmethyl]thio-ethyl)-N-methyl-2-nitro-1,1-ethenediamine  
5[(2-Aminoethyl)thio]methyl-N,N-dimethyl-2-furan methanamide diamine  
DL-Dihydro-3-hydroxy-4,4-dimethyl-2(3H)-furanone  
D-(-)-Dihydro-3-hydroxy-4,4-dimethyl-2(3H)-furanone  
alpha-(2,4-Dichlorophenyl)-1H-imidazole-1-ethanol  
Calcium-bromide lactobionate  
Calcium lactobionate dihydrate  
Lactobionic acid  
N-[Dihydro-3,3-diphenyl-2(3H)-furanylidene]-N-methylmethanaminum bromide  
Anthra[1,9-cd]pyrazol-6(2H)-one,7,10-dihydroxy-2-[2-[(2-hydroxyethyl)amino]ethyl]-5-[(2-methylamino)ethyl]amino  
1,2-Diphenyl-4-(2-phenylthioethyl)-3,5-pyrazolidinedione  
2-Propyl-4(5)-carbomethoxy-5(4)-pentafluoroethyl imidazole  
1-(3-Chloropropyl)-2,6-dimethylpiperidine hydrochloride  
2-Methyl-4(or 5)-nitro-imidazole  
4-Methylimidazole  
2-Chloronicotinic acid  
2,6-Dichloro-5-fluoronicotinic acid  
3,5-Dimethyl-2-hydroxymethyl-4-methoxypyridine  
1H-Imidazole-4-carboxaldehyde, 2-butyle-5-chloro-(+/-)-cis-4-Amino-5-chloro-N-[1-[3-(4-fluorophenoxy)propyl]-3-methoxy-4-piperidinyl]-2-methoxybenzamide methanol (1:1)  
Ethyl 4-[(2-amino-4-chlorophenyl)amino]-1-piperidinecarboxylate  
N-[4-(Methoxymethyl)-4-piperidinyl]-N-phenyl-propanamide monohydrochloride  
(4-Fluorophenyl)(4-piperidinyl)methanone 4-methylbenzenesulfonate (1:1)  
(-)-trans-3-Methyl-4-phenyl-4-piperidine-carboxylic acid hydrobromide  
Ethyl 4-oxo-1-piperidinecarboxylate  
alpha-Phenyl-2-piperidine acetic acid  
3-Ethyl-5-methyl-4-(2-chlorophenyl)-1,4-dihydro-2-[2-(1,3-dihydro-1,3-dioxo-2H-isoindol-2-yl)ethoxy(methyl)-6-methyl-3,5-pyridine dicarboxylate  
cis-1-[3-(4-Fluorophenoxy)propyl]-3-methoxy-4-piperidinamine  
N-Phenyl-N-(4-piperidinyl)propanamide  
Quinuclidine  
Chloro-7-ethyl-1-fluoro-6-oxo-4-dihydro-1,4-quinoline-3-carboxylic acid  
3-Isoquinolinecarboxylic acid S-1,2,3,4-tetrahydro, benzyl ester, para-toluenesulfonic acid salt  
2-Quinolinemethanamine,1,2,3,4-tetrahydro-6-methyl-  
N-(1-methylethyl)-7-nitro-monomethanesulfonate  
6,7-Difluoro-1(2,4-difluorophenyl)-1,4-dihydro-4-oxo-3-quinolone carboxylic acid  
7-Chloro-6-fluoro-1-(4-fluorophenyl)-1,4-dihydro-4-oxo-3-quinoline carboxylic acid  
Ethyl-ethyl-6,7,8-trifluoro-4-dihydro-4-oxo-3-quinoline carboxylate  
7-Chloroquinaldine  
1-Amino-4-methylpiperazine  
1-Cyclopropyl-6,7-difluoro-1,4 dihydro-4-oxo-3-quinoline carboxylic acid  
1-Ethyl-6,8-Difluoro-1,4-dihydro-7-(3-methyl-1-piperazinyl)-4-oxoquinoline-3-carboxylic acid  
2,4-Didydroxy-6,7-dimethoxyquinazoline  
1-(2-Furoyl)piperazine  
N-(2-Tetrahydrofuroyl)-piperazine  
3-(2-Chloroethyl)-2-methyl-4H-pyrido[1,2-a]pyrimidine-4-one  
1-(Diphenylmethyl)piperazine  
1-[alpha,alpha-bis(4-fluorophenyl)methyl]piperazine  
1,3-Dimethyl-4-amino-5-formylaminouracil  
4-[4-(1-Methylethyl)-1-piperazinyl]phenol  
5,6-Dimethoxy-4-pyrimidinamine  
1-Acetyl-4-(4-hydroxyphenyl) piperazine  
1-(2,6-Dichlorophenyl)-2-indolinone  
3,3-Diethyl-5-(hydroxymethyl)-2,4-(1H,3H)-pyridinedione  
1'R,35,4R)-4-Acetoxy-3-(1'-tert-butyl-dimethyl-silyloxy)ethyl)azetidine-2-one  
3-Oxy-4-aza-5-alpha androstene-17-beta-carboxylic acid  
5-Ethenyl-2-pyrrolidone-3-carboxamide  
3-Oxy-4-aza-androst-5-ene-17-beta-carboxylic acid  
Methyl-3-oxo-4-aza-5-alpha-androst-1-ene-17-beta-carboxylate  
8-Methoxypsoralen  
(1S)-2-Methyl-2,5-diazabicyclo[2.2.1]heptane dihydrobromide  
1H-Imidazole-5-methanol, 2-butyl-4-chloro-1-[(2'-1H-tetrazol-5-yl)(1,1'-biphenyl)-4-yl)methyl]-monopotassium salt  
1H-Imidazole-5-methanol, 2-butyl-4-chloro-1-[(2'-1H-tetrazol-5-yl)(1,1'-biphenyl)-4-yl)methyl]-potassium salt  
1H-Imidazole-5-methanol, 2-butyl-4-chloro-1-[(2'-1H-tetrazol-5-yl)-1, [1,1'-biphenyl-4-yl)methyl]-monohydrochloride salt  
1H-Tetrazole, 5-(4'-methyl[1,1'-biphenyl]-2-yl)-1-triphenylmethyl [1,1'-Biphenyl]-2-carbonitrile, 4'-methyl  
1H-Imidazole-5-methanol, 2-butyl-4-chloro-1-[(2'-1H-tetrazol-5-yl)-1, 1'-biphenyl)-4-yl)methyl]-, sodium salt  
Trifluoroacetyl-L-lysine-L-proline tosyl salt  
2-Mercapto-5-methoxy benzimidazole  
Terfenadone  
1-Carboethoxymethylpyrrolidin-2-one  
2H-Indol-2-one, 1,3-dihydro-1-phenyl-3,3-bis(4-pyridinylmethyl)  
5-Mercapto-1-methyl-1,2,3,4-tetrazole  
Iminostilbene  
Pyrazine carboxylic acid, 3-amino-5,6-dichloro, methyl ester



- 2S-1-(3-Acetylthio-2-methyl-1-oxopropyl)-L-proline  
Tetrazole-1-acetic acid  
L-alanyl-L-proline  
Trifluoroacetyl-L-lysine-L-proline  
Iminodibenzyl  
8-Chloro-6-(2-fluorophenyl)-1-methyl-4H-imidazo [1,5-a] [1-4] benzodiazepine-3-carboxylic acid  
7-Chloronaphthyridine ethyl ester  
4-(Methoxymethyl)-N-phenyl-1-(phenylmethyl)-4-piperidinamine  
Tetrazole-1-acetic acid  
L-alanyl-L-proline  
Trifluoroacetyl-L-lysine-L-proline  
Iminodibenzyl  
8-Chloro-6-(2-fluorophenyl)-1-methyl-4H-imidazo [1,5-a] [1-4] benzodiazepine-3-carboxylic acid  
7-Chloronaphthyridine ethyl ester  
4-(Methoxymethyl)-N-phenyl-1-(phenylmethyl)-4-piperidinamine  
2,4-Dihydro-4-[4-[4-(4-hydroxyphenyl)-1-piperazinyl]-2-(1-methylpropyl)-3H-1,2,4-triazol-3-one  
1-[(4-Fluorophenyl)methyl]-N-(4-piperidinyl)-1H-benzimidazol-2-amine  
1,3-Dihydro-1-(4-piperidinyl)-2H-benzimidazol-2-one  
(Z)-3-[2-[4[(2,4-Difluorophenyl)(hydroxyimino)-methyl]-1-piperidinyl)ethyl]-6,7,8,9-tetrahydro-2-methyl-4H-pyrido [1,2-a] pyrimidin-4-one  
3-(2-Chloroethyl)-6,7,8,9-tetrahydro-2-methyl-4H-pyrido[1,2-a] pyrimidin-4-one monohydrochloride  
1,3-Dihydro-1-(1,2,3,6-tetrahydro-4-pyridinyl)-2H-benzimidazol-2-one  
3-Aminopyrrolidine dihydrochloride  
3-(2-Chloroethyl)-2,4-(1H, 3H)-quinazolinedione  
N-(N-[(S)-1-Carboxy-3-phenyl-propyl]-N'-trifluoroacetyl)-1-lysyl-L-proline ethyl ester  
5-Chloro-1,3-dihydro-1-(4-piperidinyl)-2H-benzimidazol-2-one  
2,3-Dihydro-1-methoxy carbonyl-1H-pyrrolizine-7-carboxylic acid  
1-[(4-Fluorophenyl)methyl]-1H-benzimidazol-2-amine  
Ethyl 4-(5-chloro-2,3-dihydro-2-oxo-1H-benzimidazol-1-yl)-1-piperidinecarboxylate  
4-(4-Chlorophenyl)-4-piperidinol  
N-Methyl-2-pyrroleacetic acid methylester  
Ethyl 4-[(1-(4-fluorophenyl)methyl)-1H-benzimidazol-2-yl] amino-1-piperidinecarboxylate  
1,3-Dihydro-1-(1-methylethenyl)-2H-benzimidazol-2-one  
4-Animo-2-chloro-6,7-dimeoxy-quinazoline  
2-(2,4-Difluorophenyl)-1,3-bis-(1H-1,2,4-triazol-1-yl)-2-propanol  
1-Ethyl-1,4-dihydro-5H-tetrazol-5-one  
2',4'-Difluoro-2-(1H-1,2,4-triazol-1-yl)-acetophenone hydrochloride  
4-(4-Bromophenyl)-4-piperidinol  
2-(Formylamino)-alpha-oxo-4-thiazole acetic acid  
Ethyl-2-(2-aminothiazole-4-yl)-2-hydroxyiminoacetate  
2-(Formylamino)-thiazolyl-4-glyoxylic acid ethyl ester  
Amino-2-phenothiazine  
Chloro-2-phenothiazine  
Acetyl-2-phenothiazine  
2-(3,4-Dihydroxyphenyl)-tetrahydro-1,4-oxazine  
2H-1,2-Benzothiazine-3-carboxylic acid, 4-hydroxy-2-methyl-ethyl ester, 1,1-dioxide  
7-Amino-3-methoxymethyl cephalosporanic acid  
Imperatorin  
7-Amino-desacetoxycephalosporanic acid  
2-(2-Formamidothiazol-4-yl)-2-methoximido acetic acid  
4-Thia-1-azabicyclo [3.2.0] heptane-2-carboxylic acid 3,3-dimethyl-7-oxo-iodomethyl ester, 4,4-dioxide, (2S-cis)  
Piperazine, 1-[(2,3-dihydro-1,4-benzodioxin-2-yl)-carbonyl] monohydrochloride  
(6R,7R)-7-[(R)-2-Aminophenylacetamido]-3-methyl-8-oxa-5-thia-1-azabicyclo [4.2.0] oct-2-ene-2-carboxylic acid disolvate  
2-Acetylbenzo-(beta)-thiophene  
(6R,7R)-7-Amino-3-chloro-8-oxa-4-thia-1-azabicyclo [4.2.0] oct-2-ene-2-carboxylic acid, (4-nitrophenyl) methyl ester  
3-Methylene-7-(2-phenoxyacetamido) cepham-4-carboxylic acid, para-nitrobenzyl ester, 1-oxide  
2-Chlorodibenz-(beta,f)-(1,4)-oxazepin-11-(10-H)-one  
(R)-3-(2-Deoxy-beta-D-erythropentofuransoyl)-3,4,7,8-tetrahydroimidazo-(4,5) (1,3) diazepin-8-ol  
7-D(-)-Mandelamidocephalosporanic acid  
2,5-Dihydro-5-thioxo-1H-tetrazole-1-methanesulphonic acid, disodium salt  
5-Methyl-1,3,4-thiadiazole-2-thiol  
4-Chlorobenzenesulphonylurea, PCBS-urea  
3-(2-Chlorophenyl)-5-methylisoxazole-4-carboxylic acid chloride  
2', 3'-Dideoxyinosine  
cis-2-(2,4-Dichlorophenyl)-2-(1H-2,4-triazol-1-ylmethyl)-1,3-dioxolane-4-methanol methanesulfonate (ester) monohydrochloride  
(6R, 7R)-3-Acetoxyethyl-7-[(R)-2-formyloxy-2-phenylacetamido]-8-oxo-5-thia-1-azabicyclo[4.2.0] oct-2-ene-2-carboxylic acid (and its salts and esters)  
(7R)-7-Amino-3-[[5-methyl-1,3,4-thiadiazole-2-yl]-thio]methyl]-3-cephem-4-carboxylic acid  
7-Amino-3-[(1-methyl-tetrazole-5-yl)-thiomethyl]-cephalosporanic acid  
3-(2,6-Dichlorophenyl)-5-methylisoxazole-4-carboxylic acid chloride  
Stavudine D4T  
(3aS,6aR)-1,3-Dibenzyltetrahydro-4H-furo [3,4-d] imidazole-2,4 (1H)-dione  
3-(2-Chloro-6-fluorophenyl)-5-methylisoxazole-4-carboxylic acid chloride  
2-Thiophene acetyl chloride  
(+)-6-Amino-penicillanic acid  
7-Amino cephalosporanic acid  
1-Ethyl-1,4-dihydro-4-oxo-(1,3) dioxolo (4,5-g) cinnoline-3-carbonitrile  
cis-2-(2,4-Dichlorophenyl)-2-(1H-1,2,4-triazol-1-ylmethyl)-1,3-dioxolane-4-methanol  
cis-2-(2,4-Dichlorophenyl)-2-(1H-imidazol-1-ylmethyl)-1,3-dioxolane-4-methanol methanesulfonate monohydrochloride  
2-Chloro-9-[3-dimethylamine)-propyl]-9H-thioxanthen-9-ol  
2-(2,4-Dichlorophenyl)-2-(1H-imidazol-1,3-dioxolane-4-methanol  
3-Thiophene malonic acid  
(1-beta)-6-[Phenoxyacetyl]amino]penicillanic acid, (4-nitrophenyl) methyl ester, 1-oxide  
3-Phenyl-5-methylisoxazole-4-carboxylic acid chloride  
3-(2-Aminoethyl)-N-methyl-1H-indole-5-methanesulphonamide  
5-Chloro-2,4-disulfamoylaniline  
N-(2-(4-Aminosulfonyl)phenyl)ethyl-5-chloro-2-methoxybenzamide  
4-Hydrazine-N-methylbenzene methanesulphonamide hydrochloride  
5,6-Dihydro-4-oxo-thieno-(2,3-beta)-thiopyran-2-sulfonamide  
5,6-Dihydro-4-oxo-4,4H-thieno-(2,3-beta)thiopyran-2-sulfonamide-7,7-dioxide  
delta-9,11-Anhydro-16-alpha methylprednisolone acetate  
Provitamins and vitamins, natural or reproduced by synthesis (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, whether or not in any solvent  
Hormones, natural or reproduced by synthesis; derivatives thereof, used primarily as hormones; other steroids used primarily as hormones  
Casanthranol  
Senna extract



Acetyldigoxine  
 Sennaglycosides  
 Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters, and other derivatives  
 2-Deoxy-D-erythro-pentose  
 D-Ribose  
 2,3,4,6-tetra-O-acetyl-8-D-glucopyranosyl carbamimidothioate monohydrobromide  
 Antibiotics (excluding dihydrostreptomycin)  
 Mucopolysaccharide N-acetylmuramylhydrolase hydrochloride  
 Cytochrome C  
 4-(6-Fluoro-2-methylinden-3-ylmethyl) phenyl methyl sulphide in the form of a solution in toluene  
 4-(2-Aminoethylthiomethyl)-1,3-thiazol-2-ylmethyl dimethylamine, in the form of a solution in toluene  
 Crude bile acids  
 Intermediate products of the antibiotics manufacturing process, obtained from the fermentation of *Streptomyces tenebrarius*, whether or not dried, for use in the manufacture of human medicaments of No. 3004(a)  
 Potassium clavulanate/sucrose (1:1)  
 Potassium clavulanate/silicon dioxide (1:1)  
 Potassium clavulanate/microcrystalline cellulose (1:1)  
 Cholic acid and 3-alpha,12-alpha-dihydroxy-5-beta-cholan-24-oic acid (deoxycholic acid), crude  
 Polymerisation products of acrylic acid with small quantities of a polyunsaturated monomer for use in the manufacture of medicaments of heading no. 3003 or 3004

The Commission was also asked to identify each instance where there is a known difference in opinion among countries on the classification of a product. USTR has requested the Commissioner of Customs to provide Commission staff with any necessary technical assistance. The USTR requested that the Commission submit its report no later than June 1, 1992.

**WRITTEN SUBMISSIONS:** In response to the USTR's request that the Commission make its work available to the public on a flow basis, the Commission plans to make available two interim reports on March 13, 1992, and April 24, 1992. Each interim report will contain a listing of the classifications completed by that phase of the investigation. Anyone wishing to be put on a distribution list to be compiled should write or fax ((202) 205-2186) the Office of the Secretary as soon as possible and provide a mailing address. Interested parties may also obtain copies of the reports on or after

the above-mentioned dates from the Office of the Secretary either in person or via a fax request to that Office. Copies of these reports will also be provided to the Pharmaceutical Manufacturers Association, the Synthetic Organic Chemical Manufacturers Association, and the Chemical Manufacturers Association.

Interested parties are requested to submit written statements to the Commission regarding any discrepancies between their current classifications for the chemicals under consideration and the classifications presented by the Commission. Only submissions regarding product classifications will be considered in the Commission's report. Proof of such classification conflicts are requested either in the form of official rulings provided by the U.S. Customs Service (Customs) or in the form of copies of prior communications with Customs on this issue. The Commission will work with Customs personnel to resolve any classification conflicts. No confidential information is requested. No requests to modify the list of products under consideration will be considered by the Commission.

To be given consideration, comments on the first report must be received by close of business (5:15 pm) on March 27, 1992. The deadline for the receipt of comments on the second interim report will be close of business May 8, 1992. Although confidential information is not required, information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

Issued: February 19, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-4391 Filed 2-25-92; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-542-544 (Preliminary)]

## Potassium Hydroxide From Canada, Italy, and the United Kingdom

### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission determines,<sup>2</sup> pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Canada, Italy, and the United Kingdom of potassium hydroxide, provided for in subheading 2815.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

### Background

On January 2, 1992, a petition was filed with the Commission and the Department of Commerce by Linchem, Inc., Ashtabula, OH, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of potassium hydroxide from Canada, Italy, and the United Kingdom. Accordingly, effective January 2, 1992, the Commission instituted antidumping investigations Nos. 731-TA-542-544 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of January 9, 1992 (57 FR 924). The conference was held in Washington, DC, on January 23, 1992, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 18, 1992. The views of the Commission are contained in USITC Publication 2482 (February 1992), entitled "Potassium Hydroxide from Canada, Italy, and the United Kingdom: Determinations of the Commission in Investigations Nos. 731-TA-542-544 (Preliminary) Under the Tariff Act of 1930, Together With the

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(f)).

<sup>2</sup> Commissioner Watson not participating.



# Information Obtained in the Investigations."

By Order of the Commission.  
Issued: February 20, 1992.

Kenneth R. Mason,  
Secretary.

[FR Doc. 92-4390 Filed 2-25-92; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

### Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on February 13, 1992, a proposed consent decree in *United States of America v. City of South Portland*, Civ. No. 90-209-P-H, was lodged with the United States District Court for the District of Maine. The proposed consent decree settles the United States' claims against South Portland under the Clean Water Act, set forth in a complaint that sought injunctive relief and civil penalties for: (1) The discharge of pollutants, including raw sewage, from approximately 19 combined sewer overflows ("CSOs") in violation of its NPDES permit; (2) the discharge of pollutants in violation of secondary effluent limitations made applicable to South Portland's wastewater treatment plant pursuant to its current NPDES permit; and (3) the discharge of untreated sewage through a bypass of South Portland's treatment plant in violation of the prohibition against a bypass of treatment, as contained in the City's NPDES permit and provided by applicable regulations, 40 CFR 122.41(m).

The proposed consent decree requires South Portland to upgrade its sewage treatment plant to achieve compliance with applicable effluent limits by August 1, 1995, and to comply with interim effluent limits until that time. It also requires South Portland to implement a comprehensive CSO abatement program that will (1) substantially reduce the infiltration of inflow of ground or surface water into South Portland's sewer system, and (2) Bring all of South Portland's CSOs into compliance with the terms and conditions of South Portland's NPDES permit and the Act. The proposed decree requires South Portland to pay a civil penalty of \$15,000 to the United States and \$15,000 to the State.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the

Assistant Attorney General,  
Environment and Natural Resources  
Division, Department of Justice,  
Washington, DC 20530, and should refer to *United States v. City of South Portland*, D.J. Ref. 90-5-1-1-3551.

The proposed consent decree may be examined at the office of the United States Attorney, 100 Middle Street Plaza, Portland, Maine; at the Region I office of the Environmental Protection Agency, 1 Congress Street, Boston, Massachusetts; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC (202-347-2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of \$11.00 (25 cents per page reproduction cost) payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General,  
Environment & Natural Resources Division.

[FR Doc. 92-4191 Filed 2-25-92; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-26,298]

#### Flowline Division, New Castle, PA; Negative Determination on Reconsideration

On November 29, 1991, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Flowline Division, New Castle, Pennsylvania. This notice was published in the *Federal Register* on December 17, 1991 (56 FR 65510).

The company states that the Department's customer survey was inadequate and submitted a new list of declining customers. Although the company states that imports of butt weld fittings increased in 1991, the Department's investigation shows that these imports did not contribute importantly to worker separations and declines in sales or production at Flowline.

In order for the workers to be certified eligible to apply for adjustment assistance, they must meet all three Group Eligibility Requirements of the Trade Act (1) a significant decrease in

employment, (2) an absolute decrease in sales or production, and (3) an increase in U.S. aggregate imports of like or directly competitive products which "contributed importantly" to worker separations and declines in sales or production. The failure to meet any one of the Group Eligibility Requirement including the "contributed importantly" test would result in a negative decision.

The "contributed importantly" test is generally administered through a survey of the workers' firm customers. The Department's initial survey revealed that the "contributed importantly" test was not met.

On reconsideration, the Department conducted an additional customer survey from an additional list of customers submitted by the company. Respondents from this survey accounted for a major portion of Flowline's sales decline in the first 9 months of 1991 compared to the same period in 1990. The survey results show that most respondents either did not import butt weld fittings and flanges or had declining purchases of them in 1991 compared to 1990. A few customers reported increased import purchases but their increased import purchases accounted for a negligible portion of Flowline's sales decline in the first 9 months of 1991 compared to the same period in 1990.

### Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of Flowline Division in New Castle, Pennsylvania.

Signed at Washington, DC, this 18th day of February 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-4395 Filed 2-25-92; 8:45 am]

BILLING CODE 4510-30-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following



proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**DATES:** Comments on this information collection must be submitted by March 27, 1992.

**ADDRESSES:** Send comments to Mr. Dan Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

**FOR FURTHER INFORMATION CONTACT:** Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

**SUPPLEMENTARY INFORMATION:** The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

**Title:** FY 93 United States/Japan Artist Exchange Fellowship Program.

**Frequency of Collection:** One Time.

**Respondents:** Individuals.

**Use:** Guideline instructions and applications elicit relevant information from individual artists that apply for funding under specific International Program categories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

**Estimated Number of Respondents:** 275.

**Average Burden Hours per Response:** 10.

**Total Estimated Burden:** 2,750.

**Judith E. O'Brien,**

*Management Analyst, Administrative Services Division, National Endowment for the Arts.*

[FR Doc. 92-4360 Filed 2-25-92; 8:45 am]

BILLING CODE 7537-01-M

#### Literature Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Professional Development/Overview Section) to the National Council on the Arts will be held on March 12, 1992 from 9 a.m.-5 p.m. and March 13 from 9 a.m.-3 p.m. in room M-09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 13 from 1 p.m.-3 p.m. The topics will be program overview, policy discussion and guidelines review.

The remaining portions of this meeting on March 12 from 9 a.m.-5 p.m. and March 13 from 9 a.m.-1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 17, 1992.

**Yvonne M. Sabine,**

*Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 92-4322 Filed 2-25-92; 8:45 am]

BILLING CODE 7537-01-M

#### Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Recording Section) to the National Council on the Arts will be held on March 11, 1992 from 9 a.m.-5:30 p.m. and March 12 from 9 a.m.-4:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 12 from 3 p.m.-4:30 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on March 11 from 9 a.m.-5:30 p.m. and March 12 from 9 a.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 17, 1992.

**Yvonne M. Sabine,**

*Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 92-4321 Filed 2-25-92; 8:45 am]

BILLING CODE 7537-01-M



**NATIONAL SCIENCE FOUNDATION****Permit Application Received Under the Antarctic Conservation Act of 1978****AGENCY:** National Science Foundation.**ACTION:** Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 27, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

**FOR FURTHER INFORMATION CONTACT:** Charles E. Myers at the above address or (202) 357-7817.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The application received is as follows:

**1. Applicant**

Joan M. Bernhard, Wadsworth Center for Laboratories and Research, P.O. Box 509, Albany, NY 12201.

**Activity for Which Permit Requested**

Import into U.S. The applicant requests permission to take and import into the U.S. various benthic foraminifera collected in Antarctica for comparative ecological and physiological research studies.

**Location**

Palmer peninsula area, Antarctica.

**Dates**

April 1992.

Charles E. Myers,

Permit Office, Division of Polar Programs.  
[FR Doc. 92-4309 Filed 2-25-92; 8:45 am]

BILLING CODE 7555-01-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-320]

**Environmental Assessment and Finding of No Significant Impact GPU Nuclear Corp.; Three Mile Island Nuclear Station, Unit No. 2**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a Possession Only License (POL) to GPU Nuclear Corporation (the licensee or GPUN) and amending the Technical Specifications for the Three Mile Island Nuclear Station Unit 2 (TMI-2), located in Dauphin County, Pennsylvania.

The licensee has requested by letter dated August 16, 1988, as amended, that the Facility Operating License for TMI-2 be changed to a Possession Only License and that the Technical Specifications for the facility be amended to permit long-term storage of the facility.

**Environmental Assessment****Identification of the Proposed Action**

The POL would allow the licensee to possess but not operate TMI-2 and establishes requirements that are applicable to the facility in its post-accident, inoperable and essentially defueled condition. The proposed amendment to the facility's Technical Specifications would permit the licensee to place the TMI-2 facility in a long-term monitored storage configuration, termed Post-Defueling Monitored Storage (PDMS) by the licensee.

**The Need for the Proposed Action**

The licensee has completed the current phase of the cleanup effort. The licensee has determined that the facility should be maintained in the PDMS condition until the time Three Mile Island Nuclear Station Unit 1 (TMI-1) is ready for decommissioning, at which time both TMI-1 and TMI-2 will be decommissioned simultaneously. Since the licensee has no future plans for the operation of TMI-2, the licensee requested the conversion of their Facility Operating License to a Possession Only License. In order to

permit and facilitate long-term storage of TMI-2, the licensee has proposed a number of changes to their Technical Specifications. The licensee has determined that many of the requirements contained in the current Technical Specifications are inappropriate and not required to ensure the safety of a post-accident, inoperable and essentially defueled facility.

**Background**

In March 1981, the NRC staff issued NUREG-0683, "Programmatic Environmental Impact Statement Related to Decontamination and Disposal of Radioactive Wastes Resulting from the March 28, 1979, Accident at TMI-2" (PEIS). The PEIS has been supplemented by the staff three times. In August 1989, the NRC staff issued PEIS Final Supplement 3, which assessed, in part, the environmental impacts associated with the licensee's plans to place the facility into Post-Defueling Monitored Storage. Seven alternatives to the licensee's proposal were also evaluated in PEIS Supplement 3.

The staff concluded in PEIS Supplement 3 that the licensee's proposal: (1) is within the applicable regulatory limits and could be implemented without significant environmental impact since the health impact on both the workers and the offsite public is very small; (2) calculated doses to the public that are fractions of the dose received from background radiation; (3) would result in substantial occupational dose savings and reduced transportation impacts over several of the alternatives considered; and (4) is environmentally acceptable and will not significantly affect the quality of the human environment.

The staff's evaluation of the licensee's proposal was based principally on the licensee's description of PDMS contained in the licensee's 1987 submittal entitled "Technical Plan, TMI-2, Cleanup Program Post-Defueling Monitored Storage" and on the licensee's submittal of August 1988, entitled "Post-Defueling Monitored Storage Proposed License Amendment and Safety Analysis Report." The 1988 submittal by the licensee provided the detailed system by system description of the facility during PDMS and provided the safety analysis necessary to assess the potential for environmental impact during storage. Since the August 16, 1988, submittal, the licensee has updated the PDMS proposed license amendment and Safety Analysis Report (SAR) 15 times. Since issuance of the August 1989, PEIS Supplement 3, the PDMS proposed



license amendment and SAR have been updated 11 times.

The purpose of this environmental assessment is to determine if the August 1989, PEIS Supplement 3 to the Programmatic Environmental Impact Statement dealing with PDMS remains valid after a review of the subsequent 11 amendments to the licensee's submittal.

#### *Environmental Assessment*

The staff has reviewed the licensee's amendments to their August 16, 1988, submittal that have been submitted to the NRC staff since issuance of the August 1989, PEIS Supplement 3. The staff also reviewed the licensee's Defueling Completion Report dated February 22, 1990, the results of the post lower head sampling program cleanup in a letter dated April 12, 1990, and the results of independent staff analyses and analyses done for the staff by Battelle Pacific Northwest Laboratory. The purpose of these reviews was to determine if the licensee's proposal and the subsequent assessment of environmental impact is within the scope of the August 1989, PEIS Supplement 3.

The amendments to the licensee's August 16, 1988, submittal, sent to the staff after the publication of the August 1989, PEIS Supplement 3, consist primarily of written responses to detailed staff questions, changes in the licensee's Safety Analysis Report (SAR), and changes in the proposed Technical Specifications for PDMS. Some of the changes to the SAR resulted in physical changes to the facility that were not considered during the preparation of the PEIS Supplement 3 (e.g. closure mechanism for the atmospheric breather, and containment penetration overpressurization limits). The staff has reviewed these changes and has determined that there is no significant change in potential environmental impact due to the modifications. Some of the changes in the SAR deal with changes in values of measurements and estimates (e.g. residual fuel in the facility). These revised values do not alter the conclusions in PEIS Supplement 3. Finally, some of the changes in the SAR revise analyses of potential accidents (e.g. fire in containment). Review of these revised analyses did not reveal any significant changes in predicted impact.

The staff reviewed the licensee's Defueling Completion Report and subsequently submitted related documents. The principal issue in this review was the potential for inadvertent recriticality of the fuel remaining at the facility. The staff found that the fuel remaining at the facility was in a

configuration that precluded criticality. This condition was assumed by the staff in PEIS Supplement 3; therefore the finding is consistent with the staff's earlier evaluation.

The staff reviewed the results of independent analyses done while preparing the PDMS Safety Evaluation Report (SER). These analyses were done by both the NRC staff and their contractor, Battelle Pacific Northwest Laboratory. In one case, the results of an analysis of a different fire scenario in the reactor containment showed offsite doses in excess of those evaluated for the fire analysis in PEIS Supplement 3. PEIS Supplement 3 predicted the consequences of a fire in the containment stairwell as a 50-year dose commitment to the maximally exposed member of the public of 1.6 mrem to the whole body. The staff's PDMS SER evaluated the consequences of a fire inside the D-rings in the containment. The predicted 50-dose commitment to the maximally exposed member of the public for this accident scenario is 49 mrem to the whole body.

For an accident situation, the guidance provided in 10 CFR Part 100 limits the total radiation dose to a member of the public to a less than 25 rem to the whole body. Although the predicted 50-year dose commitment to the maximally exposed member of the public in the revised accident analysis presented in the staff's PDMS SER is greater than that predicted in PEIS Supplement 3, the revised whole body dose to the maximally exposed member of the public is still a small fraction (less than 0.2 percent) of the regulatory guidance.

This small increase (from 1.6 to 49 mrem) in the 50-year whole body dose commitment to the maximally exposed member of the public does not change the conclusions of PEIS Supplement 3. Specifically, the calculated dose to the public are fractions of the dose received by a member of the public from background radiation ( $\approx$  300 mrem annually), are within the applicable regulatory limits ( $<$  rem), and the potential health impact on the public is very small. Based on the above evaluation, the staff concludes that the licensee's proposal will result in environmental impacts that are still within the scope of the August 1989, PEIS Supplement 3.

#### *Alternatives to the Proposed Action*

Alternatives to the proposed action are evaluated in PEIS Supplement 3. The staff concludes in PEIS Supplement 3 that the licensee's proposal, and the seven NRC Staff-identified alternatives (with the exception of the no-action

alternative which was found not to be viable because it would be contrary to regulations) could each be implemented without significant environmental impact. The staff has not identified any new alternatives since issuance of PEIS Supplement 3, and has not identified any new information, since issuance of PEIS Supplement 3, that would change their evaluation and conclusions on impacts for the licensee's proposal or any of the alternatives. Therefore, any reasonable alternative to this action would not have a significant environmental impact.

#### *Alternative Use of Resources*

There is no significant increase in the use of resources not previously considered by the staff's March 1981, Programmatic Environmental Impact Statement (NUREG-0683) as supplemented.

#### *Agencies and Persons Consulted*

The staff widely distributed Draft Supplement 3 and received comments from a number of Federal, state, and local agencies, the licensee, local citizens and citizen organizations. These comments were incorporated in PEIS Supplement 3, issued August 1989. The staff did not consult further with organizations or individuals in preparing this assessment.

#### *Finding of No Significant Impact*

Based upon the foregoing environmental assessment, the Commission concludes that the proposed actions will not have a significant effect on the quality of the human environment and the impacts are still within the scope of the August 1989, PEIS Supplement 3. Therefore, the Commission has determined that the PEIS Final Supplement 3 (NUREG-0683) need not be supplemented.

PEIS Final Supplement 3 (NUREG-0683), the Staff's February 1992, Safety Evaluation Report, the licensee's amendments to their August 16, 1988 submittal, and the licensee's February 22, 1990, Defueling Completion Report are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and the local public document room at the Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Harrisburg, Pennsylvania 17105.

Dated at Rockville, Maryland, this 20th day of February 1992.



For the Nuclear Regulatory Commission.  
**Seymour H. Weiss,**  
*Director, Non-Power Reactors,  
 Decommissioning and Environmental Project  
 Directorate, Division of Advanced Reactors  
 and Special Projects, Office of Nuclear  
 Reactor Regulation.*

[FR Doc. 92-4386 Filed 2-25-92; 8:45 am]

BILLING CODE 7590-01-M

### **Advisory Committee on Reactor Safeguards; Meeting Agenda**

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 5-7, 1992, in Room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the *Federal Register* on February 6, 1992.

#### **Thursday, March 5, 1992**

8:30 a.m.-8:45 a.m.: Opening Remarks by ACRS Chairman (Open)—The ACRS Chairman will make opening remarks and comment briefly regarding items of current interest.

8:45 a.m.-9:45 a.m.: Policy Issued for Certification of Passive Plants (Open)—The Committee will discuss the proposed ACRS action plan to review and report on policy issues identified by the NRC staff for certification of passive nuclear plants.

10 a.m.-12 noon: Integram Systems Testing for the Westinghouse AP600 Nuclear Plant (Open/Closed)—The Committee will review and report on integral systems testing requirements for this standardized nuclear plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

1 p.m.-1:30 p.m.: Preparation for Meeting with NRC Commissioners (Open)—The Committee will discuss topics of mutual interest to be discussed with the NRC Commissioners, including matters such as the ACRS report dated February 14, 1992 on Use of Design Acceptance Criteria During 10 CFR part 52 Design Certification Reviews, the status of proposed plans for implementation of the NRC quantitative safety goals, and the ACRS-NRC staff interface.

2 p.m.-3:30 p.m.: Meeting with NRC Commissioners (One White Flint North Conference Room) (Open)—The Committee will meet with the NRC Commissioners to discuss topics of mutual interest as noted above.

4:15 p.m.-6:15 p.m.: Prioritization of Generic Issues (Open)—The Committee will review and report on priority

rankings proposed by the NRC staff for a group of generic issues.

6:15 p.m.-6:45 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports to the NRC regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered.

#### **Friday, March 6, 1992**

8:30 a.m.-12 noon and 1 p.m.-3 p.m.: General Electric Advanced Boiling Water Reactor (GE ABWR) (Open/Closed)—The Committee will meet with representatives of the NRC staff and the General Electric Company to review and report on the proposed design of this standardized nuclear power plant.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

3:15 p.m.-4 p.m.: Future ACRS Activities (Open)—The Committee will hear and discuss the report of the ACRS Planning and Procedures Subcommittee regarding matters proposed for consideration by the full Committee.

4 p.m.-5 p.m.: Proposed Plan for Implementation of the NRC Quantitative Safety Goal Policy (Open)—The Committee will hear and discuss the report of the ACRS ad hoc working group regarding an alternate plan for implementation of the NRC Quantitative Safety Goal Policy.

5 p.m.-6:30 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports to NRC regarding the NRC Safety Research Program, including program management, and matters considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered and information the release of which would represent a clearly unwarranted invasion of personal privacy.

#### **Saturday, March 7, 1992**

8:30 a.m.-12:30 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed reports to the NRC regarding the items considered during this meeting and matters which were not completed at previous meetings as time and availability of information permit.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being considered and information the release of which would represent a clearly unwarranted invasion of personal privacy.

12:30 p.m.-1:30 p.m.: Miscellaneous (Open/Closed)—The Committee will complete discussion of items considered during this meeting and the status of assigned subcommittee activities as time permits. Qualifications of candidates proposed for appointment to the Committee will also be discussed, as appropriate.

Portions of this session will be closed, as appropriate, to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the *Federal Register* on October 1, 1991 (56 FR 49800). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director, Mr. Raymond F. Fraley, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Public Law 92-463 that it is necessary to close portions of this meeting noted above to discuss Proprietary Information applicable to the matters being considered in accordance with 5 U.S.C. 552b(c)(4) and information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F.



Frale (telephone 301/492-8049),  
between 8 a.m. and 4:30 p.m. est.

Dated: February 21, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92-4385 Filed 2-25-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-335 and 50-389]

**Denial of Amendments to Facility  
Operating Licenses and Opportunity  
for Hearing; Florida Power and Light  
Co.**

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Florida Power and Light Company (licensee) for amendments to Facility Operating License Nos. DPR-67 and NPF-18, issued to the licensee for operation of the St. Lucie Plant, Unit Nos. 1 and 2, located in St. Lucie County, Florida. A Notice of Consideration of Issuance of these amendments was not published in the *Federal Register*.

The purpose of the licensee's amendment request was to revise certain surveillance requirements dealing with moderator temperature coefficient.

The NRC staff has concluded that the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by letter dated February 19, 1992.

By March 27, 1992, the licensee may demand a hearing with request to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Harold F. Reis, Esquire, Newman and Holtzner, 1615 L Street, NW., Washington, DC 20036, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated November 22, 1991, and (2) the Commission's letter to the licensee dated February 19, 1992.

These documents are available for public inspection at the Commission's

Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450. A copy of Item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 19th day of February, 1992.

For the Nuclear Regulatory Commission.

Herbert N. Berkow, Director,

Project Directorate II-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-4387 Filed 2-25-92; 8:45 am]

BILLING CODE 7590-01-M

**OFFICE OF PERSONNEL  
MANAGEMENT**

**Request for Extension of OPM Form  
192 Submitted to OMB for Clearance**

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the extended use of OPM Form 192, Personal Reference Inquiry for Administrative Law Judge Positions, which has been submitted to the Office of Management and Budget (OMB) for clearance. OPM Form 192 is completed by reference-givers for applicants for Federal Administrative Law Judge positions. Approximately 3,000 of the forms are completed each year, and it takes a reference giver approximately ten minutes to complete the form, for a total 500 hours. For copies of this proposal, call C. Ronald Truworthy on (703) 908-8550.

**DATES:** Comments on this proposal should be received on or before March 27, 1992.

**ADDRESSES:** Send or deliver comments to:

C. Ronald Truworthy, Agency Clearance Officer, U.S. Office of Personnel Management, room CHP 500, 1900 E Street, NW., Washington, DC 20415,

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

C. Lee Willis, (202) 606-0810.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-4324 Filed 2-25-92; 8:45 am]

BILLING CODE 6325-01-M

**RESOLUTION TRUST CORPORATION**

**Coastal Barrier Improvement Act;  
Property Availability; Schwartz  
Property, Randolph County, MO**

**AGENCY:** Resolution Trust Corporation.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the property known as the Schwartz Property, located near the town of Clark, Randolph County, Missouri, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

**DATES:** Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until May 26, 1992.

**ADDRESSES:** Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Herbert Clark, Asset Specialist, Resolution Trust Corporation, Kansas City Consolidated Office, 4900 Main Street, P.O. Box 419570, Kansas City, Missouri 64141, (800) 365-3342, Fax (816) 561-0882.

**SUPPLEMENTARY INFORMATION:** The property located on the south side of a county gravel road, approximately one mile west of Highway "T," near the southern edge of Randolph County where Randolph, Howard, and Boone Counties corner. The nearest towns are Higbee and Clark. The property has recreational value and is located approximately 11 miles from Moberly, Missouri, and approximately 31 miles from Columbia, Missouri. The Rudolph Bennitt Wildlife Preserve, which is managed by the Missouri Department of Conservation, borders the west, south, and part of the east side of the property. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Characteristics of the property include: The property is approximately 71 acres of primarily undeveloped land that is partially treed, with one-third to one-half of the tract being open land that is overgrown. The terrain is rolling and has adequate drainage. Two small ponds are located on the property and a creek crosses the southern part of the tract. An abandoned farm house, barn



and shop building are also located on the property.

Property size: Approximately 71 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before May 26, 1992 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government;
3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by May 26, 1992 to Herbert Clark at the above ADDRESSES and in the following form:

**Notice of Serious Interest**

RE: Schwartz Property

Federal Register Publication Date: February 26, 1992.

1. Entity name.
2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101-591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)).
3. Brief description of proposed terms of

purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.
5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: February 20, 1992.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 92-4392 Filed 2-25-92; 8:45 am]

BILLING CODE: 6714-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30389; File No. SR-MSE-92-04]

### Self Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Stock Exchange, Inc. Relating to Amending Membership Dues and Fees

February 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1992, the Midwest Stock Exchange, Inc. ("MSE")

or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend section (a), Membership Dues, and section (b), Registration Fees, of its Membership Dues and Fees schedule by: (1) Increasing its annual membership dues and making such charge applicable to both floor members and off-floor members; (2) changing its specialist registration fees to be based on the monthly MSE trading activity of the issue; and (3) adding an assignment fee to be charged when an issue is awarded to a specialist by the Exchange's Committee on Specialist Assignment and Evaluation.<sup>1</sup>

The MSE Membership Dues and Fees Schedule is proposed to be amended as follows (additions are italicized; deletions are bracketed):

<sup>1</sup> See MSE Article IV, Rule 4.

#### (a) Membership Dues:

All Members ..... \$3,200 per annum payable monthly in equal installments.  
[Floor Members ..... \$2,500 per annum payable monthly in equal installments.]  
[Off-Floor Members ..... \$2,000 per annum payable monthly in equal installments.]

#### (b) Registration Fee:

Firm or Corporation ..... No change in text.  
Office (Other than Principal) ..... No change in text.  
Officers of Partners ..... No change in text.  
Salesmen ..... No change in text.  
Specialist ..... Fees will be determined based upon the monthly round lot activity of an issue on the MSE, and shall be paid monthly, according to the following:  
The 300 most active issues shall be charged at a rate of \$400 per year.  
All other issues shall be charged at a rate of \$100 per year.  
There shall also be an assignment fee of \$500 per issue upon the approval by the Committee on Specialist Assignment and Evaluation of an application of a member or member organization to act as specialist in a security.  
[\$25 per issue per annum or quarterly pro-ratio thereof for interim appointments or termination for Primary market issues (defined to mean all issues other than NYSE).]  
[\$50 per issue per annum or quarterly pro-ratio thereof for interim appointments or termination for Dual market issues (defined to mean all issues dual with NYSE only).]

Subordinated Loans ..... No change in text.  
Transfer ..... No change in text

#### II. Self-regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change

and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The MSE's purpose for increasing its annual membership fees and specialist registration fees is to reflect the



increasing administrative and overhead costs involved in providing Exchange services.<sup>2</sup>

The proposed rule change is consistent with section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable fees and other charges among members using its facilities.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC

20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR-MSE-92-04 and should be submitted by March 18, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-4329 Filed 2-25-92; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.**

February 20, 1992.

The above name national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12F-1 thereunder for unlisted trading privileges in the following securities:

Enhance Financial Services Group, Inc.  
Common Stock, \$10 Par Value (File No. 7-8015)  
Korean Investment Fund, Inc.  
Common Stock, \$01 Par Value (File No. 7-8016)  
Living Centers of America, Inc.  
Common Stock, \$01 Par Value (File No. 7-8017)  
Tandy Corporation  
Depository Shares (each presenting 1/100 of a share of Series C Convertible Preferred Stock)—Preferred Equity Redemption Stock, PERCS, No Par Value (File No. 7-8018)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 12, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 92-4409 Filed 2-25-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30386; File No. SR-NYSE-91-44]

**Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Amendments to Rule 308—Acceptability Proceedings**

February 19, 1992.

On December 16, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend NYSE Rule 308 to revise the required composition of Acceptability Committees.<sup>3</sup>

The proposed rule change was published for comment in Securities Exchange Act Release No. 30158 (January 6, 1992), 57 FR 1196 (January 10, 1992). No comments were received on the proposal.

NYSE Rule 308 was adopted in 1976 in order to establish fair procedures for acceptability proceedings.<sup>4</sup> These proceedings are used by the Exchange to consider the following types of applications and applicants: (1) Prospective members or member organizations; (2) employment or association with a member or member organization, prospective member, allied member, approved person, registered representative or any other person required by the NYSE constitution or rules to be approved by the Exchange; (3) any prospective non-member broker-dealer accesssee; and (4) any change in the status of any person that requires Exchange approval. Since its adoption, Rule 308 has not been amended.

NYSE Rule 308 serves as a vehicle for establishing the structure and function of acceptability proceedings and committees. Specifically, Rule 308(b) describes the procedures employed in acceptability proceedings. Currently,

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1991).

<sup>3</sup> The text of the proposed rule change was attached to the rule filing as Exhibit A and is available at the Commission as well as at the NYSE.

<sup>4</sup> See Securities Exchange Act Release No. 12623 (July 14, 1976), 41 FR 30407 (approving File No. SR-NYSE-76-31).

<sup>2</sup> The Commission notes that the MSE is proposing that the specialist registration fee be paid monthly as opposed to quarterly.



Rule 308(c) requires an Acceptability Committee to be comprised of three Exchange officers appointed from time to time by the Chairman of the Board of Directors of the Exchange ("Chairman"). At least two of the three officers must be officers of the Regulation and Surveillance Group.

The Exchange proposes to amend NYSE Rule 308 (c) and (d) to revise the required composition of acceptability committees to provide that the acceptability of all applicants be determined by a committee of the applicant's peers. Specifically, proposed Rule 308(c) will require that an acceptability committee must consist of at least three persons who are selected to serve on the committee by the Exchange's Chief Hearing Officer.<sup>5</sup> All members of an acceptability committee will be selected from the membership of the Acceptability Board.<sup>6</sup> Acceptability Board members will be appointed annually by the Chairman and serve at the discretion of the Board of Directors.<sup>7</sup>

Moreover, proposed Rule 308(d) specifies that the status and background of acceptability committee members must be similar to that of the applicant's proposed activity. For example, the proposed rule provides that, if the applicant is a proposed member, member organization, allied member, approved person or non-member broker-dealer accesssee, the members of the presiding Acceptability Committee must be members or allied members of the Exchange who, to the extent reasonably possible, are engaged in similar activities as the applicant proposes to engage in, or have knowledge of those activities. Furthermore, if the applicant is a proposed registered or non-registered employee of a member or member organization and will not be a prospective member or allied member, the members of the Acceptability Committee must be registered or non-registered employees of members or member organizations who are not members or allied members. In addition, these members should be, to the extent reasonably possible, engaged in similar activities as the applicant proposes to

engage in, or have knowledge of those activities.

Pursuant to proposed Rule 308(d), if any acceptability application is related to proposed floor activities, then all persons on that Acceptability Committee must be active on the floor of the Exchange. Similarly, acceptability applications relating to proposed non-floor activities will require all members of the committee to work in the offices of a member or member organization that engages in a business involving substantial direct contact with securities customers.<sup>8</sup> Thus, under proposed NYSE Rule 308(d), the composition of acceptability committees will reflect both the position and experience for which the applicant seeks approval to be involved.

Accordingly, the Exchange believes that the proposed rule change will provide a framework for assuring acceptability proceedings before persons familiar with the relevant job functions of the applicant and who have the objectivity, experience and ability necessary to comprehend and evaluate the acceptability issues presented.

The Commission believes that the proposed amendments to NYSE Rule 308 are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. The Exchange is proposing to increase the size of an acceptability committee from three persons in all cases to a minimum of three persons. The Commission notes that pursuant to NYSE Rule 476 governing disciplinary proceedings the Exchange's Hearing Panel is similarly comprised of at least three persons.<sup>9</sup> Moreover, the Commission believes that, in certain situations, the Exchange's ability to organize a particular committee comprised of more than three persons should promote fair acceptability proceedings. For example, where the issues presented are complex, a thorough resolution of the issues may necessitate that the committee's background be characterized by more varied experience. In addition, where scheduling lengthy proceedings with recurring meetings is difficult, the flexibility to select from a large pool, the Acceptability Board, should expedite the acceptability process. The Commission believes that affording the Exchange the flexibility to choose more than three committee members as well as a larger pool from which to select committee members should provide a

more fair procedure to the applicant seeking acceptability, because pooling the experience of more committee members should produce more informed and exhaustive acceptability determinations.

The Commission also recognizes that the NYSE's proposed amendments to Rule 308 are intended to produce acceptability committees reflecting the position that the applicant seeks.<sup>10</sup> For example, the Exchange proposes that where an applicant seeks floor membership, members of that committee shall be active floor members. If the applicant is a prospective floor employee, as opposed to prospective member, then the committee will be comprised of floor employees. The Commission believes that this review by a committee of one's peers should also result in fairer proceedings because each acceptability application would be evaluated by committee members with direct experience in the same position as the applicant seeks.<sup>11</sup>

For the above reasons, the Commission finds that the proposed rule change is consistent with the section 6(b)(7) requirement that the rules of an exchange establish fair procedures to be used in all proceedings brought to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the Exchange.<sup>12</sup> In addition, the Commission finds that the proposed rule change is consistent with the due process requirements of Section 6(d)(2) of the Act.<sup>13</sup> NYSE Rule 308(b), which is not proposed to be amended, continues to mandate compliance with the procedural requirements of Section 6(d)(2), which include notice of and an opportunity to be heard, specific grounds for denial and a record of the determination. In this regard, the Commission believes that the proposed amendments to NYSE Rule 308 (c) and (d) are consistent with these due process requirements because a committee formed from a pool of an applicant's peers should afford a more meaningful opportunity to be heard.

<sup>5</sup> See NYSE Rule 476(b). The Chief Hearing Officer is appointed by the Chairman, subject to the approval of the Board of Directors.

<sup>6</sup> See letter from Donald van Weezel, Managing Director, NYSE, to Mary N. Revell, Branch Chief, SEC, dated January 30, 1992, confirming that all persons selected to serve on each Acceptability Committee shall be members of the Acceptability Board.

<sup>7</sup> The Exchange expects that the pool of available committee members on the Acceptability Board will closely parallel the composition of the Hearing Board under NYSE Rule 476(b), which is presently comprised of over 400 members.

<sup>8</sup> In this regard, an applicant proposing to be involved in "upstairs" activities would appear before a committee comprised of "upstairs" persons.

<sup>9</sup> See NYSE Rule 476(b).

<sup>10</sup> The Commission has approved a similar requirement in NYSE Rule 476(b), which provides that at least one member of the Hearing Panel should be engaged in activities similar to the respondent in a disciplinary proceeding. See Securities Exchange Act Release No. 25276 (January 20, 1988), 53 FR 2333 (approving File No. SR-NYSE-87-8).

<sup>11</sup> Committee members may not participate in proceedings in which they have a personal interest. See NYSE Rule 22.

<sup>12</sup> 15 U.S.C. 78f(b)(7) (1988).

<sup>13</sup> 15 U.S.C. 78f(d)(2) (1988).



It is therefore ordered, Pursuant to section 19(b)(2) of the Act,<sup>14</sup> that the proposed rule change (SR-NYSE-91-44) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4330 Filed 2-25-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30387; File No. SR-PHLX-91-34]

**Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Option Floor Procedure Advice A-14—Equity and Index Option Opening Price Parameters**

February 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 21, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The PHLX, pursuant to Rule 19b-4, proposes the addition of Options Floor Procedure Advice ("OFPA") A-14 in connection with PHLX Rules 1014 and 1020. Specifically, the proposed OFPA mirrors current PHLX Rule 1014, Commentary .15 which provides that an opening transaction in an options series may not occur at a price which is more than the difference of the preceding session's closing sale and the present session's opening sale in underlying security, in relation to the closing quotation, in the options series, without prior approval of one floor official. Like Commentary .15 to PHLX Rule 1014, OFPA A-14 would require specialists to observe opening price parameters for equity and index options where the underlying stock opens on firm quotes. In the event that a stock is quoted significantly away from the prior trading session's close, OFPA A-14 would

permit a floor official to approve the opening of the option outside the stated parameters.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

Proposed OFPA A-14 relates to the opening price parameters for equity and index options, as set forth in Exchange Rule 1014, Commentary .15. The primary purpose for creating an OFPA to mirror Commentary .15 in this regard is to provide for a fine schedule for violations of the opening price parameter requirement, and thus permitting violations to be addressed under the Exchange's Minor Infraction Rule Plan. Proposed OFPA A-14 limits the price range in which a specialist may open transactions in an equity or index option series. The specialist's opening prices for equity and index options in a particular series may not fall outside of the previous session's closing quote in that option by more than the difference between the previous closing and opening sale in the underlying security. As with Commentary .15, the above parameters are to be applied in instances where stocks open on firm quotes. If a stock or stock index is quoted significantly away from its previous closing value, then floor official approval may be given in order to open the option outside of its allowable opening price range.

The PHLX states that proposed OFPA A-14 is consistent with the obligations and functions of an options specialist, as enumerated in PHLX Rules 1014 and 1020. The PHLX also believes that proposed OFPA A-14 contributes to further definition of the obligations and functions of an options specialist.

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to maintain consistency in the application of procedural guidelines, thereby promoting just and equitable principles of trade.

**B. Self-Regulatory Organization's Statement on Burden on Competition**

The PHLX does not believe that the proposed rule change will impose any inappropriate burden or competition.

**C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others**

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file

<sup>14</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>15</sup> 17 CFR 200.30-3(a)(12) (1991).



number in the caption above and should be submitted by March 18, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-4331 Filed 2-25-92; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.**

February 20, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

MassMutual Participation Investor  
Common Stock, \$0.01 Par Value (File No. 7-7999)

Niagara Share Corp.  
Common Stock, \$1 Par Value (File No. 7-8000)

Property Capital Trust  
Common Stock, No Par Value (File No. 7-8001)

AMEV Securities, Inc.  
Capital Stock, \$0.01 Par Value (File No. 7-8002)

System Industries, Inc.  
Common Stock, \$0.01 Par Value (File No. 7-8003)

Horizon Healthcare/Harte Hanks Bond  
Common Stock, \$0.01 Par Value (File No. 7-8004)

Tandy Corporation "Perics"  
Depository Shares, No Par Value (File No. 7-8005)

Enhance Financial Services Group, Inc.  
Common Stock, \$0.10 Par Value (File No. 7-8006)

Living Centers of America, Inc.  
Common Stock, \$0.01 Par Value (File No. 7-8007)

Korean Investment Fund, Inc.  
Common Stock, \$0.01 Par Value (File No. 7-8008)

Value Merchants  
Common Stock, \$0.01 Par Value (File No. 7-8009)

Aegon N.V.  
Ordinary Shares, NLG 5 Par Value (File No. 7-8010)

Gaylord Entertainment Co.  
Class A Common Stock, \$0.01 Par Value (File No. 7-8011)

Intel Corporation  
\$3.375 Conv. Exch. Preferred Stock (\$50 Liquid Pref.) (File No. 7-8012)

Wabash National  
Common Stock, \$0.01 Par Value (File No. 7-8013)

General Kinetics

Common Stock, \$0.25 Par Value (File No. 7-8014)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 12, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

*Secretary.*

[FR Doc. 92-4410 Filed 2-25-92; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**Shortage of Operating Funds for a Disaster in Oregon**

As a result of the Secretary of Agriculture's disaster designation S-571 for counties in the State of Oregon and contiguous counties in the States of California and Washington, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 18, 1992.

Alfred E. Judd,

*Acting Assistant Administrator for Disaster Assistance.*

[FR Doc. 92-4366 Filed 2-25-92; 8:45 am]

BILLING CODE 8025-01-M

**Shortage of Operating Funds for a Disaster in Texas**

As a result of the Secretary of Agriculture's disaster designation S-569 for counties in the State of Texas and contiguous counties in the State of New Mexico, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 18, 1992.

Alfred E. Judd,

*Acting Assistant Administrator for Disaster Assistance.*

[FR Doc. 92-4364 Filed 2-25-92; 8:45 am]

BILLING CODE 8025-01-M

**Shortage of Operating Funds for a Disaster in Texas**

As a result of the Secretary of Agriculture's disaster designation S-570 for counties in the State of Texas and contiguous counties in the States of Arkansas, Oklahoma, and New Mexico, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: February 18, 1992.

Alfred E. Judd,

*Acting Assistant Administrator for Disaster Assistance.*

FR Doc. 92-4365 Filed 2-25-92; 8:45 am]

BILLING CODE 8025-01-M

**Microloan Demonstration Program**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of application filing deadline.

**SUMMARY:** On October 28, 1991, the President signed Public Law 102-140, the Commerce, Justice, and State, the Judiciary, and Related Agencies



Appropriations Act of 1992 (Law). Section 609(h) of the law authorized the Small Business Administration (SBA) to conduct a Microloan Demonstration Program (Program). SBA issued interim final regulations implementing the Program on January 31, 1992, 57 FR 3848. This notice announces the availability of applications for entities seeking to participate in the program as an intermediary, as well as a March 31, 1992 application filing deadline for such applications.

**ADDRESSES:** Application Packages may be obtained by written request submitted to: U.S. Small Business Administration, Office of Financial Assistance, 409 Third Street, SW., 8th Floor, Washington, DC 20416, Attn: Microloan Proposals, Mail Code 6120, or by telephone at (202) 205-6570.

**SUPPLEMENTARY INFORMATION:** Section 609(h) of Public Law 102-140 authorized SBA to conduct a Microloan Demonstration Program. The program has as its purpose to provide assistance to women, low-income, minority entrepreneurs, business owners, and other individuals possessing the capability to operate successful business concerns and to assist small business concerns in those areas suffering from a lack of credit due to economic downturn. Under the Program, SBA is authorized to make direct loans to qualified intermediary lenders who will use the proceeds to make short-term, fixed interest rate microloans, of not more than \$25,000, to startup, newly established, and growing small business concerns. Additionally, SBA may make grants to such intermediaries to be used to provide, as an integral part of any microloan, intensive marketing, management and technical assistance to the microloan borrower.

SBA is currently accepting applications from those entities seeking to be accepted into the Program as an intermediary. To be eligible an organization, *inter alia*, must be a private, nonprofit entity or a nonprofit community development corporation having at least one year of experience making microloans to small business concerns and itself providing through its own organization, without contracting with others for the provision of such services, marketing, management, and technical assistance to its borrowers.

Those organizations believing themselves eligible and wishing to participate in the Program may obtain a Microloan Demonstration Program Application Package by contacting SBA at the above set forth address.

Completed applications must be received by SBA no later than 4 p.m. Eastern Standard Time, March 31, 1992.

Charles R. Hertzberg,  
Associate Administrator for Financial Assistance.

[FR Doc. 92-4370 Filed 2-25-92; 8:45 am]  
BILLING CODE 8025-01-M

### Delegation of Authority

**AGENCY:** Small Business Administration.

**ACTION:** Notice delegating loan approval authority to specific agency field personnel.

**SUMMARY:** This notice increases the delegated authority of certain specific Small Business Administration (SBA) field personnel to approve SBA guaranteed loans. This increased authority is based upon the education, training, or experience of such personnel and is meant to expedite Agency action in processing loan applications.

**EFFECTIVE DATE:** This notice is effective February 26, 1992.

**FOR FURTHER INFORMATION CONTACT:** Charles R. Hertzberg, Assistant Administrator for Financial Assistance, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416, Tel. (202) 205-6490.

**SUPPLEMENTARY INFORMATION:** On December 19, 1991, SBA published, in the *Federal Register*, 56 FR 65823, a final rule amending section 101.3-2 of part 101, title 13, Code of Federal Regulations, which set forth a clarified standard delegation of authority to conduct program activities in SBA field offices. In addition, the rule provided authority by which SBA might, as it deemed appropriate, increase, decrease, or set the level of authority for any individual SBA field official in a regional, district, or branch office, based upon education, training, or experience by publication of a notice in the *Federal Register*. Prior to the December 19, 1991 publication, Section 101.3-2 had set forth the standard delegation of authority to SBA field personnel as well as all deviations from the standard based upon education, experience, and/or training.

The Agency believes that, when appropriate, delegating increased levels of authority to field personnel yields increased benefits for program participants and SBA. SBA is authorized to guaranty up to 90% of a loan depending upon total loan amount. As such, it is essential that the Agency have qualified loan officers to process

expeditiously and accurately the applications submitted. Branch managers who are delegated greater levels of authority in light of their additional education, training, or experience allow SBA to process loan applications of greater amounts where both the lender and the borrower are located. In this fashion, the loan applicant and the lender are both served with quicker and more accurate processing, while the Agency is served by quality lending and better relations with its participating lenders.

This notice increases the delegated authority of specific SBA officials to approve guaranteed and direct loan applications based upon each respective officials' education, training, or experience. The SBA Branch Managers in Cincinnati, OH.; Milwaukee, WI.; Sacramento, CA.; Springfield, IL.; and Springfield, MO. have successfully completed training courses offered by the Agency. Such training, in conjunction with their extensive experience, qualifies them to better analyze and process loan applications. Additionally, the SBA Assistant Branch Managers for Finance and Investment in Milwaukee, WI.; Sacramento, CA.; and Springfield, IL. have completed the same Agency training course. This training, along with their experience, justifies increasing their level of delegated authority.

SBA branch managers have, as a standard, delegated authority to approve SBA guaranteed and direct loans of up to \$250,000. This notice increases the delegated loan approval authority for the above named Branch Managers to \$750,000, except the Branch Manager in Springfield, MO. whose authority shall be increased to \$500,000, for guaranteed loans. Additionally, the delegated authority for all the above named Branch Managers shall be increased to \$350,000 for direct loans. Further, this notice sets the guaranteed loan approval and decline authority for the above named Assistant Branch Managers for Finance and Investment at \$750,000.

This increased delegation of authority is specific to the individuals presently incumbent and continues only so long as they remain in such positions.

Dated: February 20, 1992.

Charles R. Hertzberg,  
Assistant Administrator for Financial Assistance.

[FR Doc. 92-4371 Filed 2-25-92; 8:45 am]  
BILLING CODE 8025-01-M



## DEPARTMENT OF STATE

## Office of the Secretary

[Public Notice 1576; Delegation of Authority No. 193-1]

**Amendment to Delegation of Authority on Management and Other Matters Concerning United States Foreign Relations**

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the Act of May 26, 1949 (22 U.S.C. 2658) and Executive Order 12786 of December 26, 1991 (as it may be amended or superceded), Delegation of Authority No. 193 of January 7, 1992 is amended as follows:

1. Section 1 is amended by designating the existing paragraph under Section 1 as "a." and adding the following at the end of Section 1:

"b. The functions conferred upon the President by section 5(b) of the Flsherman's Protective Act, as amended (22 U.S.C. 1975(b)), and delegated to the Secretary of State by Executive Order 11772 of March 21, 1974."

2. Section 4 is amended by adding the following at the end of the section:

"d. The functions vested in the Secretary of State by sections 101(a), 102, 106, 107, 108, 207, 208 and 211 of the Federal Employees Pay Comparability Act (FEPCA) and sections 405 and 408 of the Federal Law Enforcement Pay Reform Act of 1990 (FLEPRA) (Pub. L. 101-509) and the functions vested in the President by Section 302 of FEPCA."

Date: February 5, 1992.

James A. Baker, III,  
Secretary of State.

[FR Doc. 92-4347 Filed 2-25-92; 8:45 am]  
BILLING CODE 4710-10-M

## DEPARTMENT OF TRANSPORTATION

**Advisory Commission on Conferences in Ocean Shipping; Open Meeting**

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.

**ACTION:** Notice of open meeting of the Advisory Commission on Conferences in Ocean Shipping.

**SUMMARY:** The Commission will be holding a meeting in Washington, DC on Tuesday, March 10, 1992; the meeting is open to the public. The Commission plans to make final changes to and adopt its report to the President and Congress.

**DATES:** Meeting: Tuesday, March 10, 1992; 9:30 a.m. to 5:30 p.m. EST.

**ADDRESSES:** The address for the public meeting is Department of Transportation

Headquarters Building, 400 Seventh Street, SW., Washington, DC, room 10234.

**FOR FURTHER INFORMATION CONTACT:** Florizelle B. Liser, Executive Director; Telephone (202) 366-9781; FAX (202) 366-7870.

**SUPPLEMENTARY INFORMATION:** The Commission was created by the Shipping Act of 1984 to conduct an independent and comprehensive study of conferences in ocean shipping, particularly whether the Nation would be best served by prohibiting conferences, or by closed or open conferences. The Commission is to provide its report, including recommendations, to the President and the Congress by April 10, 1992. After holding five field hearings around the country during the summer, the Commission began the deliberative stage of its work in October. At this meeting, the Commissioner will discuss and make final changes to the Commission's report to the President and Congress. Adoption of the report is anticipated.

Issued in Washington, DC on February 20, 1992.

Florizelle B. Liser,  
Executive Director.

[FR Doc. 92-4326 Filed 2-25-92; 8:45 am]  
BILLING CODE 4910-62-M

## Federal Aviation Administration

**Advisory Circular: Flap Interconnections in Part 23 Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability of proposed advisory circular (AC) and request for comments.

**SUMMARY:** This notice announces the availability of and request for comments on a proposed AC which provides information and guidance concerning flap interconnections in part 23 airplanes.

**DATES:** Comments must be received on or before April 27, 1992.

**ADDRESSES:** Send all comments on the proposed AC to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64108.

**FOR FURTHER INFORMATION CONTACT:** Ervin Dvorak, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 601 East 12th Street,

Kansas City, Missouri 64108; commercial telephone (816) 426-6941 or FTS 867-6941.

**SUPPLEMENTARY INFORMATION:** Any person may obtain a copy of this proposed AC by writing to: Federal Aviation Administration, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64108.

**COMMENTS INVITED:** Interested parties are invited to submit comments on the proposed AC. Commenters must identify AC 23.701-X, and submit comments to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before issuing the final AC. The proposed AC and comments received may be inspected at the Standards Office (ACE-110), room 1544, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours 7:30 a.m. and 4 p.m. weekdays, except Federal holidays.

## Background

This AC provides guidance and information regarding the flap interconnection requirements of 23.702. The requirements for the motion of the flaps to be synchronized by a mechanical interconnection or by a method that is shown to be extremely improbable are applicable to airplanes not having safe flight characteristics under asymmetrical flap operations. Equivalent level of safety findings are also discussed in this AC. Accordingly, the FAA is proposing and requesting comments on AC 23.701-X which will provide an acceptable means of compliance with part 23 of the Civil Air Regulations (CAR) and part 23 of the Federal Aviation Regulations (FAR) applicable to flap interconnections.

Issued in Kansas City, Missouri, February 14, 1992.

Barry D. Clements,  
Manager, Small Airplane Directorate,  
Aircraft Certification Service.

[FR Doc. 92-4396 Filed 2-25-92; 8:45 am]  
BILLING CODE 4910-13-M

## Federal Transit Administration

**FTA Section 3 and 9 Grant Obligations**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** The Department of Transportation and Related Agencies Appropriations Act, 1992, Public Law 102-143, signed into law by President



George Bush on October 28, 1991, contained a provision requiring the Federal Transit Administration to publish an announcement in the **Federal Register** every 30 days of grants obligated pursuant to sections 3 and 9 of the Federal Transit Act, as amended. The statute requires that the announcement include the grant number, the grant amount, and the transit property receiving each grant. This notice provides the information as required by statute.

**FOR FURTHER INFORMATION CONTACT:**  
Janet Lynn Sahaj, Chief, Resource Management and State Programs Division, Office of Capital and Formula Assistance, Department of Transportation, Federal Transit Administration, Office of Grants Management, 400 Seventh Street, SW., room 9301, Washington, DC 20590, (202) 366-2053.

**SUPPLEMENTARY INFORMATION:** The section 3 program provides capital

assistance to eligible recipients in three categories: Fixed guideway modernization, construction of new fixed guideway systems and extensions, and bus purchases and construction of bus related facilities. The section 9 program apportions funds on a formula basis to provide capital and operating assistance in urbanized areas. Pursuant to the statute UMTA reports the following grant information:

### SECTION 3 GRANTS

Transit property	Grant number	Grant amount	Obligation date
Regional Transit Authority, New Orleans, LA.....	LA-03-0049-01.....	\$8,599,800	01/28/92

### SECTION 9 GRANTS

Transit property	Grant number	Grant amount	Obligation date
Municipality of Anchorage, Anchorage, AK.....	AK-90-X009-00.....	\$791,500	01/15/92
Mobile Transit Authority, Mobile, AL.....	AL-90-X059-01.....	349,680	01/15/92
Birmingham-Jefferson County Transit Authority, Birmingham, AL.....	AL-90-X062-00.....	2,748,320	01/15/92
City of Montgomery—Montgomery Area Transit System, Montgomery, AL.....	AL-90-X063-00.....	1,305,160	01/15/92
City of Tucson, Tucson, AZ.....	AZ-90-X029-00.....	5,182,957	01/15/92
City of Arcadia, Los Angeles, CA.....	CA-90-X396-00.....	84,000	01/15/92
City of Simi Valley, Simi Valley, CA.....	CA-90-X457-00.....	699,800	01/15/92
City of Commerce, Los Angeles, CA.....	CA-90-X460-00.....	76,000	01/15/92
Riverside Transit Agency, San Bernardino-Riverside, CA.....	CA-90-X466-00.....	2,198,571	01/15/92
City of Corona, San Bernardino-Riverside, CA.....	CA-90-X471-00.....	112,400	01/15/92
Riverside Transit Agency, San Bernardino-Riverside, CA.....	CA-90-X474-00.....	328,148	01/15/92
City of Gardena, Los Angeles, CA.....	CA-90-X477-00.....	1,068,800	01/24/92
North San Diego County Transit Development Board, San Diego, CA.....	CA-90-X483-00.....	5,200,000	01/15/92
City of Pueblo, Pueblo, CO.....	CO-90-X063-00.....	727,630	01/15/92
Mesa County, Grand Junction, CO.....	CO-90-X064-00.....	295,083	01/15/92
Greater Hartford Transit District, Hartford-Middletown, CT.....	CT-90-X193-00.....	1,596,000	01/17/92
Connecticut Department of Transportation, Waterbury, CT.....	CT-90-X194-00.....	4,966,080	01/17/92
Greater Bridgeport Transit District, Bridgeport-Milford, CT.....	CT-90-X195-00.....	91,356	01/17/92
Middletown Transit District, Hartford, CT.....	CT-90-X197-00.....	238,720	01/17/92
City of Stamford Commission on Aging, Stamford, CT.....	CT-90-X198-00.....	210,903	01/15/92
Delaware Transportation Authority, Delaware.....	DE-90-X011-00.....	1,950,000	01/15/92
East Volusia County—East Volusia Transp. Authority, Daytona Beach, FL.....	FL-90-X123-02.....	25,600	01/15/92
Metropolitan Dade Transit Agency, Miami, FL.....	FL-90-X160-01.....	1,200,000	01/15/92
Manatee County Board of County Commissioners, Sarasota-Bradenton, FL.....	FL-90-X175-01.....	44,034	01/15/92
East Volusia County—East Volusia Transp. Authority, Daytona Beach, FL.....	FL-90-X180-00.....	1,431,228	01/15/92
Lee County Transit, Fort Myers-Cape Coral, FL.....	FL-90-X181-00.....	1,198,796	01/15/92
Metropolitan Dade Transit Agency, Miami, FL.....	FL-90-X182-00.....	23,621,127	01/15/92
Broward Co Bd of Co Commissioners—Broward Co Mass Transit Division, Fort Lauderdale-Hollywood-Pompano Beach, FL.....	FL-90-X183-00.....	7,110,488	01/15/92
Panama City Metropolitan Planning Organization, Panama City, FL.....	FL-90-X184-00.....	32,960	01/15/92
Okaloosa County Board of County Commissioners, Fort Walton Beach, FL.....	FL-90-X185-00.....	37,080	01/15/92
City of Tallahassee—Tallahassee Transit Authority, Tallahassee, FL.....	FL-90-X186-00.....	1,276,017	01/15/92
City of Gainesville, Gainesville, FL.....	FL-90-X187-00.....	2,009,600	01/15/92
Jacksonville Transportation Authority, Jacksonville, FL.....	FL-90-X188-00.....	4,351,812	01/15/92
Hillsborough Area Regional Transit Authority, Tampa-St. Petersburg-Clearwater, FL.....	FL-90-X189-00.....	4,252,226	01/15/92
Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA.....	GA-90-X067-00.....	19,822,000	01/15/92
City and County of Honolulu, Honolulu, HI.....	HI-90-X009-00.....	9,003,200	01/15/92
Cedar Rapids Transit Department, Cedar Rapids, IA.....	IA-90-X128-00.....	1,034,365	01/15/92
City of Coralville, Iowa City, IA.....	IA-90-X129-00.....	92,802	01/15/92
University of Iowa/Campus, Iowa City, IA.....	IA-90-X130-00.....	99,100	01/15/92
Iowa City Transit, Iowa City, IA.....	IA-90-X131-00.....	314,628	01/18/92
Des Moines Metropolitan Transit Authority, Des Moines, IA.....	IA-90-X133-00.....	1,433,596	01/22/92
Sioux City Transit System, Sioux City, IA-NE-SD.....	IA-90-X134-00.....	431,266	01/15/92
City of Decatur, Decatur, IL.....	IL-90-X184-00.....	794,696	01/15/92
Pekin Municipal Bus Service, Peoria, IL.....	IL-90-X187-00.....	346,462	01/15/92
Champaign-Urbana Mass Transit District, Champaign-Urbana, IL.....	IL-90-X189-00.....	868,000	01/15/92
Bloomington-Normal Public Transit System, Bloomington-Normal, IL.....	IL-90-X190-00.....	682,299	01/15/92
Greater Lafayette Public Transportation Corporation, Lafayette-West Lafayette, IN.....	IN-90-X158-00.....	820,237	01/15/92
City of Anderson, Anderson, IN.....	IN-90-X159-00.....	794,535	01/15/92
Fort Wayne Public Transportation Corp., Fort Wayne, IN.....	IN-90-X160-00.....	1,137,437	01/15/92
Bloomington Public Transportation Corporation, Bloomington-Normal, IN.....	IN-90-X161-00.....	609,992	01/17/92
Greater Lafayette Public Transportation Corporation, Lafayette-West Lafayette, IN.....	IN-90-X162-00.....	714,680	01/15/92



## SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Obligation date
City of Kokomo, Indiana, Kokomo, IN	IN-90-X163-00	287,144	01/15/92
Indianapolis Public Transportation Corporation, Indianapolis, IN	IN-90-X164-00	5,648,038	01/17/92
Muncie Public Transportation Corporation, Muncie, IN	IN-90-X165-00	757,058	01/15/92
Wichita Metropolitan Transit Authority, Wichita, KS	KS-90-X052-00	3,103,810	01/15/92
Johnson County Transit, Kansas City, MO-KS	KS-90-X053-00	419,664	01/15/92
Transit Authority of River City, Louisville, KY-IN	KY-90-X058-00	4,688,996	01/15/92
City of Ashland, Huntington-Ashland, WV-K-OH	KY-90-X059-00	281,583	01/15/92
Regional Transit Authority, New Orleans, LA	LA-90-X124-00	7,564,345	01/17/92
Jefferson Parish, New Orleans, LA	LA-90-X125-00	3,188,585	01/15/92
Massachusetts Bay Transportation Authority, Boston, MA	MA-90-X127-00	18,191,994	01/17/92
Lowell Regional Transit Authority, Lowell, MA-NH	MA-90-X128-00	1,211,000	01/17/92
Brockton Area Transit Authority, Brockton, MA	MA-90-X129-00	1,115,000	01/17/92
Worcester Regional Transit Authority, Worcester, MA-CT	MA-90-X132-00	2,127,244	01/17/92
Mass Transit Administration, Baltimore, MD	MD-90-X047-00	14,953,699	01/15/92
Maine Department of Transportation, ME	ME-90-X060-00	785,328	01/15/92
Greater Portland Transit District, Portland, ME	ME-90-X061-00	401,020	01/17/92
Ann Arbor Transportation Authority, Ann Arbor, MI	MI-90-X151-00	1,841,880	01/15/92
Grand Rapids Area Transit Authority, Grand Rapids, MI	MI-90-X152-00	2,528,800	01/15/92
Twin Cities Area Transportation Authority, Benton Harbor, MI	MI-90-X153-00	299,026	01/15/92
Battle Creek Transit System, Battle Creek, MI	MI-90-X154-00	341,537	01/15/92
City of Moorhead, Fargo-Moorhead, ND-MI	MN-90-X056-00	245,773	01/15/92
City of Springfield City Utilities, Springfield, MO	MO-90-X074-00	791,486	01/15/92
Bi-State Development Agency, St. Louis, MO-IL	MO-90-X080-00	14,352,656	01/15/92
City of Hattiesburg—Planning & Community Development, Hattiesburg, MS	MS-90-X040-00	267,425	01/15/92
Gulf Regional Planning Commission, Biloxi-Gulfport, MS	MS-90-X041-00	170,700	01/15/92
City of Durham, Durham, NC	NC-90-X109-01	753,159	01/15/92
City of Raleigh, Raleigh, NC	NC-90-X129-01	819,897	01/15/92
City of Durham, Durham, NC	NC-90-X133-01	31,028	01/15/92
City of Asheville, Asheville, NC	NC-90-X134-00	638,765	01/15/92
City of Charlotte, Charlotte, NC	NC-90-X135-00	1,687,810	01/15/92
City of Lincoln, Lincoln, NE	NE-90-X029-00	1,196,492	01/15/92
Cooperative Alliance for Seacoast Transportation, Portsmouth-Dover-Rochester, NH-ME	NH-90-X028-00	12,936	01/17/92
New Jersey Transit Corporation, New York, NY-Northeastern NJ	NJ-90-X033-00	118,649,398	01/15/92
Regional Transportation Commission of Washoe County, Reno, NV	NV-90-X017-00	834,054	01/15/92
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY-90-X200-01	38,988,360	01/15/92
Broome County, Binghamton, NY	NY-90-X213-00	1,100,000	01/15/92
Rochester-Genesee Regional Transportation Authority, Rochester, NY	NY-90-X214-00	7,426,360	01/15/92
Utica Transit Authority, Utica-Rome, NY	NY-90-X215-00	550,483	01/15/92
New York Metropolitan Transportation Authority, New York, NY-Northeastern NJ	NY-90-X216-00	91,984,495	01/15/92
Saratoga County Planning Board, New York	NY-90-X217-00	1,027,200	01/15/92
Greater Glens Falls Transit System, Glens Falls, NY	NY-90-X218-00	284,435	01/15/92
Niagara Frontier Transportation Authority, Buffalo-Niagara Falls, NY	NY-90-X219-00	9,192,748	01/15/92
Toledo Area Regional Transit Authority, Toledo, OH-MI	OH-90-X155-00	3,060,374	01/15/92
Portage Area Regional Transportation Authority, Akron, OH	OH-90-X156-00	240,000	01/15/92
Central Ohio Transit Authority, Columbus, OH	Oh-90-X158-00	4,339,693	01/15/92
Southwest Ohio Regional Transit Authority, Cincinnati, OH-KY	OH-90-X160-00	4,376,750	01/15/92
Lane Transit District, Eugene-Springfield, OH	OH-90-X039-00	1,394,265	01/15/92
Salem Area Mass Transit District, Salem, OR	OR-90-X040-00	975,814	01/15/92
Lehigh and Northampton Transportation Authority, Allentown-Bethlehem-Easton, PA-NJ	PA-90-X202-01	160,000	01/15/92
Westmoreland County Transit Authority, Pittsburgh, PA	PA-90-X215-00	280,000	01/15/91
Cumberland-Dauphin-Harrisburg Transit Authority, Harrisburg, PA	PA-90-X222-01	1,674,412	01/15/92
Southeastern Pennsylvania Transportation Authority, Philadelphia, PA-NJ	PA-90-X223-00	27,193,581	01/10/92
Luzerne County Transportation Authority, Scranton-Wilkes Barre, PA	PA-90-X224-00	942,818	01/15/92
County of Lackawanna Transit System, Scranton-Wilkes Barre, PA	PA-90-X225-00	1,182,466	01/15/92
City of Washington, Pittsburgh, PA	PA-90-X226-00	389,818	01/15/92
Port Authority of Allegheny County, Pittsburgh, PA	PA-90-X227-00	21,982,047	01/15/92
Westmoreland County Transit Authority, Pittsburgh, PA	PA-90-X228-00	735,935	01/15/92
Beaver County Transit Authority, Pittsburgh, PA	PA-90-X229-00	299,976	12/31/92
Municipality of Manati, Vega-Baja-Manati, PR	PR-90-X031-00	288,000	01/15/92
Municipality of Moca, Aguadilla, PR	PR-90-X048-02	99,200	01/15/92
Puerto Rico Highway and Transportation Authority, Puerto Rico	PR-90-X051-01	615,952	01/15/92
Municipality of Ponce, Ponce, PR	PR-90-X060-00	965,800	01/15/92
Municipality of Manati, Vega Baja-Manati, PR	PR-90-X066-00	688,000	01/15/92
Metropolitan Bus Authority, San Juan, PR	PR-90-X067-00	8,258,026	01/15/92
Commonwealth of Puerto Rico—Department of Transp. and Public Works, Puerto Rico	PR-90-X068-00	470,000	01/15/92
City of Anderson, Anderson, SC	SC-90-X044-00	268,000	01/15/92
City of Columbia, Columbia, SC	SC-90-X047-00	1,000,512	01/17/92
City of Sioux Falls, Sioux Falls, SD	SD-90-X019-00	672,345	01/15/92
City of Rapid City, Rapid City, SD	SD-90-X020-00	300,087	01/15/92
City of Knoxville, Knoxville, TN	TN-90-X098-00	1,634,935	01/17/92
City of Plano, Dallas-Ft. Worth, TX	TX-90-X219-00	12,000	01/15/92
City of Waco, Waco, TX	TX-90-X221-00	2,447,963	01/17/92
Corpus Christi Regional Transit Authority, Corpus Christi, TX	TX-90-X225-00	2,565,920	01/15/92
City of Beaumont, Beaumont, TX	TX-90-X232-00	736,000	01/15/92
City of Amarillo, Amarillo, TX	TX-90-X234-00	825,623	01/15/92
Metropolitan Transit Authority of Harris County, Houston, TX	TX-90-X237-00	28,588,363	01/15/92
Peninsula Transportation District Commission, Norfolk-Virginia Beach-Newport News, VA	VA-90-X086-00	2,182,400	01/15/92
City of Charlottesville, Charlottesville, VA	VA-90-X089-00	505,312	01/15/92
Greater Richmond Transit Company, Richmond, VA	VA-90-X090-00	5,301,128	01/15/92



## SECTION 9 GRANTS—Continued

Transit property	Grant number	Grant amount	Obligation date
Tidewater Transportation District Commission, Norfolk-Virginia Beach-Newport News, VA.....	VA-90-X091-00 .....	3,799,215	01/15/92
Chittenden County Transportation Authority, Burlington, VT .....	VT-90-X012-00 .....	501,808	01/17/92
Whatcom Transportation Authority, Bellingham, WA .....	WA-90-X108-00 .....	600,000	01/15/92
Whatcom Transportation Authority, Bellingham, WA .....	WA-90-X119-00 .....	320,000	01/15/92
Snohomish County Transportation Authority, Seattle, WA .....	WA-90-X125-00 .....	90,000	01/15/92
Janesville City Planning Dept.-Metropolitan Planning Organization, Janesville, WI .....	WI-90-X119-02 .....	14,624	01/15/92
City of Sheboygan, Sheboygan, WI .....	WI-90-X156-00 .....	419,200	01/15/92
City of Weirton, Steubenville-Weirton, OH-WV-PA .....	WV-90-X046-00 .....	172,655	01/15/92
City of Cheyenne, Cheyenne, WY .....	WY-90-X009-01 .....	108,315	01/15/92

Issued on: February 20, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92-4307 Filed 2-25-92; 8:45 am]

BILLING CODE 4910-57-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of Closed Meetings

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of availability of report on closed meetings of the Art Advisory Panel.

**SUMMARY:** The report is now available.

Pursuant to 5 U.S.C. app. I section 10(d), of the Federal Advisory Committee Act; and 5 U.S.C. 552b, the Government in the Sunshine Act; and Treasury Directive 21-03 section 8 (1-29-87): A report summarizing the closed meeting activities of the Art Advisory Panel during 1991, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Management and is now available for public inspection at:

Internal Revenue Service, Freedom of Information Reading Room, room 1565, 1111 Constitution Avenue, NW., Washington, DC 20224.

Requests for copies should be addressed to:

Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, DC 20224, Telephone (202) 566-3770, (Not a toll free telephone number).

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the

Regulatory Flexibility Act (5 U.S.C. chapter 6).

#### FOR FURTHER INFORMATION CONTACT:

Karen Carolan, CC:AP:AS:4, 901 D Street, SW., room 224, Washington, DC 20024, Telephone (202) 401-4128, (Not a toll free telephone number).

Shirley D. Petersen,

Commissioner.

[FR Doc. 92-4337 Filed 2-25-92; 8:45 a.m.]

BILLING CODE 4830-01-M

### Office of Thrift Supervision

[AC-13: OTS No. 7860]

#### Albany Savings Bank, FSB, Albany, NY: Final Action; Approval of Conversion Application

Notice is hereby given that on February 12, 1992, the Office of the Chief Counsel, Office of the Thrift Supervision, acting pursuant to delegated authority, approved the application of Albany Savings Bank, FSB, Albany, New York, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street NW, Washington, DC 20552, and Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place Centre, 17th Floor, Jersey City, New Jersey 07302.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-4312 Filed 2-25-92; 8:45 am]

BILLING CODE 6720-01-M

[AC-7; OTS No. 0730]

#### The Blue Ash Building and Loan Company, Blue Ash, OH: Final Action; Approval of Conversion Application

Notice is hereby given that on February 6, 1992, the Office of the Chief Counsel, Office of Thrift Supervision,

acting pursuant to delegated authority, approved the application of The Blue Ash Building and Loan Company, Blue Ash, Ohio, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Chicago, Illinois 60601-4360.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-4319 Filed 2-25-92; 8:45 am]

BILLING CODE 6720-01-M

[AC-10; OTS No. 7159]

#### First Federal Savings and Loan Association of Hardin County, Savannah, TN: Final Action; Approval of Conversion Application

Notice is hereby given that on February 11, 1992, the designee of the Chief Counsel, Office of Thrift Supervision, acting pursuant to the authority delegated to him, approved the application of First Federal Savings and Loan Association of Hardin County, Savannah, Tennessee, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Office of Thrift Supervision, Central Regional Office, 111 East Wacker Drive, suite 800, Chicago, Illinois 60601-4360.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-4316 Filed 2-25-92; 8:45 am]

BILLING CODE 6720-01-M



[AC-14; OTS No. 0774]

**First Federal Savings and Loan Association of Missoula, Missoula, MT: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 12, 1992, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of First Federal Savings and Loan Association of Missoula, Missoula, Montana for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Office of Thrift Supervision, Seattle Area Office, 2201 Sixth Avenue, suite 1500, Seattle, Washington 98121-1889.

Dated: February 20, 1992

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4311 Filed 2-25-92; 8:45 a.m.]

BILLING CODE: 6720-01-M

[AC-12; OTS No. 3622]

**First Federal Savings Bank, Hopkinsville, KY: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 12, 1992, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of First Federal Savings Bank, Hopkinsville, Kentucky for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Office of Thrift Supervision, Central Regional Office, 111 East Wacker Drive, suite 800, Chicago, Illinois 60601-4360.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4313 Filed 2-25-92; 8:45 am]

BILLING CODE: 6720-01-M

[AC-11; OTS No. 1114]

**Heritage Federal Bank for Savings, Kingsport, TN: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 11, 1992, the Office of the Chief Counsel, Office of Thrift Supervision,

acting pursuant to delegated authority, approved the application of Heritage Federal Bank for Savings, Kingsport, Tennessee, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 11 East Wacker Drive, Chicago, Illinois 60601.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4315 Filed 2-25-92; 8:45 am]

BILLING CODE: 6720-01-M

[AC-9; OTS No. 0887]

**Home Federal Savings and Loan Association of Sioux Falls, Sioux Falls, SD: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 10, 1992, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of Home Federal Savings and Loan Association of Sioux Falls, Sioux Falls, South Dakota for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Irving, Texas 75062.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4317 Filed 2-25-92; 8:45 am]

BILLING CODE: 6720-01-M

[AC-6; OTS No. 0581]

**Reliable Savings Bank, PaSa, Bridgeville, PA: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 6, 1992, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of Reliable Savings Bank, PaSa, Bridgeville, Pennsylvania for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW. Washington, DC

20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place Centre, 17th Floor, Jersey City, New Jersey 07302.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4320 Filed 2-25-92; 8:45 am]

BILLING CODE: 6720-01-M

[AC-8; OTS No. 5956]

**United Postal Savings Association, St. Louis, MO: Final Action; Approval of Conversion Application**

Notice is hereby given that on February 7, 1992, the Office of the Chief Counsel, Office of Thrift Supervision, acting pursuant to delegated authority, approved the application of United Postal Savings Association, St. Louis, Missouri for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1776 G Street, NW., Washington, DC 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, suite 600, Dallas, Texas 75261-9027.

Dated: February 20, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,  
Corporate Secretary.

[FR Doc. 92-4318 Filed 2-25-92; 8:45 am]

BILLING CODE: 6720-01-M

**DEPARTMENT OF VETERANS AFFAIRS****Information Collection Under OMB Review****AGENCY:** Department of Veterans Affairs.**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of



response; and (7) an estimated number of respondents.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer by March 27, 1992.

Dated: February 20, 1992.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.*

#### Extension

1. Compliance Inspection Report, VA Form 26-1839.

2. The form is used by fee compliance inspectors to report the acceptability of residential construction and its conformity with standards prescribed by law for new housing proposed as security for guaranteed loans. Because compliance inspections are a common practice in the housing industry, only one burden hour is shown for reporting purposes.

3. Individuals or households; Small businesses or organizations.

4. 1 hour.

5. 15 minutes.

6. On occasion.

7. 225,000 respondents.

[FR Doc. 92-4359 Filed 2-25-92; 8:45 am]

BILLING CODE 8320-01-M

#### Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the

following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer by March 27, 1992.

Dated: February 20, 1992.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy, Associate Secretary for Information, Resources Policies and Oversight.*

#### Extension

1. Request to Lender for Information RE: Status of Loan—Veteran Applied for Subsequent Loan, VA Form Letter 26-247

2. The form letter is used to contact the holder of a prior guaranteed home loan to check on the status of the loan and the veteran's payment record. The information is used to determine the veteran's eligibility for a new GI loan.

3. Businesses or other for-profit.

4. 5,509 hours.

5. 5 minutes.

6. On occasion.

7. 66,100 respondents.

[FR Doc. 92-4358 Filed 2-25-92; 8:45 am]

BILLING CODE 8320-01-M

#### Information Collection Under OMB Review

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

**ADDRESSES:** Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer on or before March 27, 1992.

Dated: February 20, 1992.

By direction of the Secretary.

Frank E. Lalley,

*Associate Deputy, Assistant Secretary for Information, Resources Policies and Oversight.*

#### Reinstatement

1. Application for Conversion, Government Life Insurance, VA Form 29-0152 (formerly VA Form Letter 29-165).

2. The form is used by the insured to apply for conversion of a term policy to a permanent plan of insurance.

3. Individuals or households.

4. 1,125 hours.

5. 15 minutes.

6. On occasion.

7. 4,500 respondents.

[FR Doc. 92-4357 Filed 2-25-92; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 57, No. 38

Wednesday, February 26, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:02 a.m. on Friday, February 21, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to a certain financial institution.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Mr. Jonathan L. Fiechter, acting in the place and stead of Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and concurred in by Director Robert L. Clarke (Comptroller of the Currency), Vice Chairman Andrew C. Hove, Jr., and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, DC.

Dated: February 21, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-4461 Filed 2-24-92; 8:50 am]

BILLING CODE 6714-0-M

## SECURITIES AND EXCHANGE COMMISSION Agency Meeting

Notice is hereby given, pursuant to the provisions of the government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of February 24, 1992.

A closed meeting will be held on Thursday, February 27, 1992, at 10:00 a.m.

Commissioners, Counsel to the Commission, the Secretary to the Commission, and recording secretaries will attend the closed door meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, February 27, 1992, at 10:00 a.m., will be:

Institution of injunctive actions.  
Settlement of injunctive actions.  
Settlement of administrative proceedings of an enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Formal order of investigation.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kaye Williams at (202) 272-2400.

Dated: February 20, 1992.

Jonatahn G. Katz,

Secretary.

[FR Doc. 92-4522 Filed 2-24-92; 2:34 pm]

BILLING CODE 8010-01-M

## STATE JUSTICE INSTITUTE

### TIME AND DATE:

9:00 a.m. to 5:00 p.m., March 6, 1991

9:00 a.m. to 5:00 p.m., March 7, 1992

**PLACE:** State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

**STATUS:** The meeting will be open to the public.

### MATTERS TO BE CONSIDERED:

#### Portions Open to the Public

Business meeting and consideration of Fiscal Year 1992 Concept Papers and Applications.

#### Portions Closed to the Public

Discussion of internal personnel policies.

### CONTACT PERSON FOR MORE

**INFORMATION:** David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, Virginia 22314, (703) 684-6100.

David I. Tevelin,

Executive Director.

[FR Doc. 92-4486 Filed 2-24-92; 10:57 am]

BILLING CODE 6820-SC-M



# Sunshine Act Meetings

The section of the Sunshine Act which requires that certain records be made available to the public is being enforced by the Department of Justice.

## FOIA REQUESTS

Under the Freedom of Information Act (FOIA), any person may request access to records held by federal agencies. The act was passed in 1966 and is designed to ensure that the government is open to the public.

The act applies to all federal agencies, including the Department of Justice. It covers a wide range of records, including those held by the executive branch, the legislative branch, and the judicial branch.

There are several exceptions to the act, including those for records that are exempt from disclosure under the act. These exceptions are designed to protect the privacy of individuals and the integrity of the government.

The act also provides for the release of records that are in the public interest. This includes records that are of historical value, or that are of value to the public in understanding the government's activities.

The act is enforced by the Department of Justice, which is responsible for ensuring that federal agencies comply with its provisions. The act is a key part of the government's commitment to transparency and accountability.

The act is designed to ensure that the government is open to the public. It covers a wide range of records, including those held by the executive branch, the legislative branch, and the judicial branch.

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Under the Freedom of Information Act (FOIA), any person may request access to records held by federal agencies. The act was passed in 1966 and is designed to ensure that the government is open to the public.

The act applies to all federal agencies, including the Department of Justice. It covers a wide range of records, including those held by the executive branch, the legislative branch, and the judicial branch.

There are several exceptions to the act, including those for records that are exempt from disclosure under the act. These exceptions are designed to protect the privacy of individuals and the integrity of the government.

The act also provides for the release of records that are in the public interest. This includes records that are of historical value, or that are of value to the public in understanding the government's activities.

The act is enforced by the Department of Justice, which is responsible for ensuring that federal agencies comply with its provisions. The act is a key part of the government's commitment to transparency and accountability.



# Registered Federal Traveler

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**Wednesday  
February 26, 1992**

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## **Part II**

### **Office of Management and Budget**

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**Budget Rescissions and Deferrals; Notice**



**OFFICE OF MANAGEMENT AND  
BUDGET****Budget Rescissions and Deferrals**

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one rescission

proposal, totaling \$16.7 million, one revised deferral, and one new deferral of budget authority. Including the revised and the new deferrals, funds withheld in FY 1992 now total \$5.6 billion.

The proposed rescission affects the Department of Housing and Urban Development. The deferrals affect the

Agency for International Development and the Department of Agriculture.

The details of the proposed rescission and deferrals are contained in the attached report.

**George Bush,**

The White House, February 19, 1992.

BILLING CODE 3110-01-M



### CONTENTS OF SPECIAL MESSAGE (in thousands of dollars)

<u>RESCISSION NO.</u>	<u>ITEM</u>	<u>BUDGET AUTHORITY</u>
	<b>Department of Housing and Urban Development:</b>	
	<b>Housing Programs:</b>	
R92-1	Congregate services program.....	16,700
	<b>Total, rescission.....</b>	<b>16,700</b>
<hr/>		
<u>DEFERRAL NO.</u>	<u>ITEM</u>	<u>BUDGET AUTHORITY</u>
	<b>Funds Appropriated to the President:</b>	
	<b>Agency for International Development:</b>	
D92-2A	International disaster assistance, executive.....	53,187
	<b>Department of Agriculture:</b>	
	<b>Forest Service:</b>	
D92-11	Timber salvage sales.....	131,549
	<b>Total, deferrals.....</b>	<b>184,736</b>

### SUMMARY OF SPECIAL MESSAGE FISCAL YEAR 1992 (in thousands of dollars)

	<u>RESCISSIONS</u>	<u>DEFERRALS</u>
Third special message:		
New items.....	16,700	131,549
Revisions to previous special message.....	---	12,483
	<hr/>	<hr/>
Effects of the third special message.....	16,700	144,032
Amounts from previous special message...	---	5,487,088
	<hr/>	<hr/>
Total amount proposed to date in all special messages.....	16,700	5,631,120



R92-01

# Department of Housing and Urban Development

## Housing Programs Congregate Services

Of the funds made available under this heading in Public Law 102-139, \$16,700,000 are rescinded.



## Rescission Proposal No. R92-1

## PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

<b>AGENCY:</b> Department of Housing and Urban Development	<b>New budget authority.....</b> \$ 17,700,000 (P.L. 102-139)
<b>BUREAU:</b> Housing Programs	<b>Other budgetary resources..</b> \$ 9,291,675
<b>Appropriation title and symbol:</b>  Congregate services program	<b>Total budgetary resources...</b> \$ 26,991,675
86X0178      862/30178 861/20178	<b>Amount proposed for rescission.....</b> \$ 16,700,000
<b>OMB identification code:</b>  86-0178-0-1-604	<b>Legal authority (in addition to sec. 1012):</b>
<b>Grant program:</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
<b>Type of account or fund:</b>  <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multi-year:      Sept. 30, 1992 Sept. 30, 1993 (expiration date) <input checked="" type="checkbox"/> No-Year	<b>Type of budget authority:</b>  <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

**JUSTIFICATION:** This appropriation funds supportive services for elderly residents of public and section 202 housing. An early evaluation of the results from the initial three- to five-year contracts suggested that the program did not achieve its primary goal of preventing premature institutionalization. Under a \$10 million HOPE initiative, enacted in FY 1992, the Administration is proposing an alternative approach to this program by linking housing vouchers with supportive services. In addition, \$16.3 million has been appropriated to fund service coordinators, who help elderly and disabled residents to access existing supportive service programs.

**ESTIMATED PROGRAM EFFECT:** No new contracts would be funded under this program, the 58 projects that are currently funded would continue to receive assistance through the end of FY 1992.

**OUTLAY EFFECT:** (in thousands of dollars):

1992 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1992	FY 1993	FY 1994	FY 1995	FY 1996	FY 1997
7,604	7,604	---	-12,525	-4,175	---	---	---



## Deferral No. D92-2A

**Supplemental Report**  
**Report Pursuant to Section 1014(c) of Public Law 93-344**

This report updates Deferral No. D92-2 transmitted to Congress on September 30, 1991.

This revision increases by \$12,483,350 the previous deferral of \$40,703,701 in the International Disaster Assistance program, resulting in a total deferral of \$53,187,051. The increase reflects funding provided by the Continuing Resolution for FY 1992. Country-specific plans have not yet been developed to effectively utilize these funds.



Deferral No. 92-2A

**DEFERRAL OF BUDGET AUTHORITY**  
**Report Pursuant to Section 1013 of P.L. 93-344**

<b>AGENCY:</b> Funds Appropriated to the President	New budget authority..... * \$ <u>63,194,000</u>
<b>BUREAU:</b> Agency for International Development	(P.L. 102-105) Other budgetary resources..... *\$ <u>17,081,251</u>
<b>Appropriation title and symbol:</b>  International disaster assistance, Executive 1/  11X1035	Total budgetary resources..... * <u>80,275,251</u>
	<b>Amount to be deferred:</b> Part of year..... *\$ <u>53,187,051</u> Entire year.....
<b>OMB identification code:</b> 11-1035-0-1-151	<b>Legal authority (in addition to sec. 1013):</b>  <input checked="" type="checkbox"/> Antideficiency Act  <input type="checkbox"/> Other _____
<b>Grant program:</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Type of account or fund:</b>  <input type="checkbox"/> Annual <input type="checkbox"/> Multi-year: _____ (expiration date) <input checked="" type="checkbox"/> No-Year	<b>Type of budget authority:</b>  <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____

**JUSTIFICATION:** \*The International disaster assistance account allows the President to respond to humanitarian disaster relief efforts throughout the world. Almost \$49 million in FY 1991 was not obligated at the beginning of FY 1992. In addition, over \$31 million was made available through March 31, 1992 by the FY 1992 Continuing Resolution. Funds are deferred pending the development of country-specific plans to ensure that aid is provided in an efficient manner to those most in need. This deferral action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

**Estimated Program Effect:** None

**Outlay Effect:** None

1/ This account was the subject of a similar deferral in FY 1991 (D91-11).

\* Revised from the previous report.



Deferral No. 92-11

**DEFERRAL OF BUDGET AUTHORITY**  
**Report Pursuant to Section 1013 of P.L. 93-344**

<b>AGENCY:</b> Department of Agriculture	<b>New budget authority.....</b> \$ <u>120,385,000</u> (P.L. 94-588 & 101-512)
<b>BUREAU:</b> Forest Service	<b>Other budgetary resources.....</b> <u>181,548,574</u>
<b>Appropriation title and symbol:</b>  Timber salvage sales 1/  12X5204	<b>Total budgetary resources.....</b> <u>301,933,574</u>
	<b>Amount to be deferred:</b> <b>Part of year.....</b> \$ _____ <b>Entire year.....</b> <u>131,548,574</u>
<b>OMB identification code:</b> 12-9922-0-2-302	<b>Legal authority (in addition to sec. 1013):</b> <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
<b>Grant program:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Type of account or fund:</b> <input type="checkbox"/> Annual <input type="checkbox"/> Multi-year: _____ (expiration date) <input checked="" type="checkbox"/> No-Year	<b>Type of budget authority:</b> <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

**JUSTIFICATION:** The Timber Salvage Sales fund was established under the provisions of the National Forest Management Act of 1976 to enable immediate harvesting of dead and dying trees when required by market conditions or catastrophes. Purchasers of dead, damaged, insect-infested, or downed timber are required to make monetary deposits into this fund to cover the preparation costs for future salvage sales.

The salvage sale program is a part of the timber sales program and has specific timber volume targets assigned. Specific timber volume targets are assigned based on current information on salvage opportunities. The Forest Service is pursuing a program to achieve maximum salvage volumes while protecting the full range of environmental values. Approximately 1.8 billion board feet of new and existing salvage sales is planned for FY 1992. This program will require \$120 million in FY 1992. In addition, a buffer of \$50 million is apportioned to be available for immediate response to additional salvage opportunities should they develop. Funds are deferred pursuant to the Antideficiency Act (31 U.S.C. 1512).

**Estimated Program Effect:** None

**Outlay Effect:** None

1/ This account was the subject of a similar deferral in FY 1991 (D91-10).



# Federal Register

Wednesday  
February 26, 1992

## Part III

## Department of Health and Human Services

### Administration for Children and Families

### Developmental Disabilities: Financial Assistance for the University Affiliated Program; Notice



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 93632-92-2]

#### Developmental Disabilities: Availability of Financial Assistance for the University Affiliated Program

**AGENCY:** Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF).

**ACTION:** Announcement of availability of financial assistance for the university affiliated program.

**SUMMARY:** The Administration on Developmental Disabilities announces that applications are being accepted in Fiscal year 1992 for FY 1993 funding from universities in eligible States, Territories and Insular areas for the purpose of establishing new university affiliated programs or satellite centers, or for conducting feasibility studies leading to the establishment of university affiliated programs or satellite centers. Subject to availability of funds, up to four grants for new programs will be awarded to increase and improve services and programs for persons with developmental disabilities.

**DATES:** Closing date for receipt of applications is: April 27, 1992.

**ADDRESSES:** Applications should be sent to: Administration for Children and Families, Grant and Contracts Management Division, 200 Independence Avenue, SW., HHH Building, room 341-F, Washington, DC 20201, Attention: Margaret Tolson (202) 245-9016.

**FOR FURTHER INFORMATION CONTACT:** Mickey Holton, Program Specialist, Program Development Division, ADD (202) 245-1963.

#### SUPPLEMENTARY INFORMATION:

##### Part I. General Information

###### A. Background

The Developmental Disabilities program is authorized by the Developmental Disabilities Services and Facilities Construction Act, 42 U.S.C. 6000, *et seq.* (the Act). This Act makes funds available to assist States to assure that persons with developmental disabilities receive appropriate care, treatment, habilitation and support services. Programs funded under the Act are:

- Basic State formula grants;
- Systems for protection and advocacy of individual rights;

- Grants to University Affiliated Programs for interdisciplinary training, exemplary services/technical assistance and information dissemination; and
- Grants for Projects of National Significance.

###### B. Description of University Affiliated Programs

Under Part D of the Act, grants are awarded to support a national network of university affiliated programs (UAPs) and satellite centers. These programs provide interdisciplinary training, exemplary service, technical assistance and information dissemination for allied health professionals, physicians and parents who provide services to or care for persons with developmental disabilities.

A major purpose of these grants is to ensure that there is a professional and paraprofessional work force prepared to meet the service needs of persons with developmental disabilities and their families. Section 153 of the Act (42 U.S.C. 6063) requires that the Administration on Developmental Disabilities (ADD) consider funding four new UAP or satellite center applicants in fiscal years 1991, 1992, and 1993.

This announcement solicits applications from universities to establish new university affiliated programs or satellite centers, or to conduct feasibility studies leading to the establishment of new UAPs or satellite centers in eligible States, Territories and Insular Areas having no UAPs and in States and Territories having underserved populations.

The term "university affiliated program," as defined by section 102(18) of the Act, 42 U.S.C. 6001 (18) means a program operated by a public or nonprofit private entity which is associated with, or is an integral part of, a college or university and which must carry out the following activities:

- **Training.** The UAP or satellite center must provide interdisciplinary training for personnel concerned with developmental disabilities, including parents of persons with developmental disabilities, professionals, paraprofessionals, students and volunteers. Training may be conducted at the facility and through outreach activities.
- **Service Demonstration.** The UAP or satellite center must provide a demonstration program of exemplary services relating to persons with developmental disabilities in settings which are integrated in the community.
- **Technical Assistance.** The UAP or satellite center must provide technical assistance to generic and specialized agencies. The purpose of the technical

assistance is to assist the agencies to provide services to increase the independence, productivity, and integration into the community of persons with development disabilities, such as the development and improvement of quality assurance mechanisms.

- **Dissemination Activities.** The UAP or satellite center must have a mechanism to disseminate findings relating to the provision of exemplary services as referenced above. They must also provide researchers and government agencies sponsoring service-related research with information on the needs for further service-related research that will assist in increasing the independence, productivity, and integration into the community of persons with developmental disabilities.

• A **satellite center** is defined as a public or private nonprofit entity which is affiliated with one or more university affiliated programs and which—

- Functions as a community and regional extension of such a university affiliated program or programs in the delivery of services to persons with developmental disabilities and their families who reside in geographical areas where adequate services are not otherwise available;

• May engage in interdisciplinary training, provision of exemplary services, technical assistance and information dissemination activities as described for a university affiliated program; or

- Provides for interdisciplinary training for personnel concerned with direct or indirect services to persons with developmental disabilities and their families, and dissemination of findings relating to the provision of services to persons with developmental disabilities and their families.

A **feasibility study** is a study to determine the need for and feasibility of establishing a new university affiliated program or new satellite center.

###### C. Eligible Applicants

Any public or non-profit organization associated with or an integral part of a college or university which is located in a State, Territory or Insular Area currently not served by an ADD-funded UAP or satellite center is eligible to apply for funding to establish a university affiliated program or a satellite center, or to conduct a feasibility study. Those States, Territories or Insular Areas which have no organized ADD-sponsored program to provide interdisciplinary training and exemplary services on behalf of persons



with developmental disabilities, experience greater shortages or properly trained personnel and appropriate services and do not receive the benefits or technical assistance provided by UAPs. These States, Territories or Insular Areas are:

Delaware	Northern Mariana
Rhode Island	Islands
Wyoming	Guam
Virgin Islands	Republic of Palau
American Samoa	

The ADD policy, in effect since 1987, has not changed regarding unserved States having first priority for new UAP grants. This policy is based on section 153(d)(3)(A), 42 U.S.C. 6063(d)(3)(A) of the Act which requires the Department to consider applications for grants for four new UAPS (or satellite centers) for FY 1991, 1992, and 1993 in addition to the UAPs currently funded. Further, section 153(d)(3)(B), 42 U.S.C. 6063(d)(3)(B) of the Act states that such programs and centers shall, to the extent feasible, be geographically distributed for the purpose of serving States that are unserved by UAPs and satellite centers. If an insufficient number of quality applications, as determined by the peer review process, have been received from unserved States, this section of the Act allows the Secretary to consider applications from universities in States that currently are served by a UAP satellite center that are not able to serve particular geographic regions of the State. Successful applications must demonstrate a need for additional training within the State and exemplary service capacity to serve individuals within the State.

#### *D. Available Funds*

Subject to the availability of funds, ADD expects award up to four grants for four university affiliated programs or satellite centers. ADD anticipates a minimum of \$200,000 will be awarded for the establishment of a new UAP; a minimum of \$150,000 will be awarded for the establishment of a new satellite center; and a minimum of \$10,000 will be awarded for a grant to conduct a feasibility study.

Grants awarded to new UAPs and satellite centers will be for project periods of one to three years. Feasibility study grants will cover a six-month project period, and, upon completion of the study, the grantee must submit a feasibility study report and notify ADD in writing of its intention to apply for funds as a UAP or satellite center.

The budget period for UAPs and satellite centers begins October 1, 1992 and ends June 30, 1993 (pending availability of funds). The budget period for feasibility study grants begins

October 1, 1992 and ends March 31, 1993 (pending availability of funds). Thereafter, the budget period will be for 12 months.

In FY 1991, potential grantees in thirteen States, Territories and Insular Areas were eligible to apply to establish a university affiliated program or a satellite center, or to conduct a feasibility study. Also in FY 1991, ADD awarded two grants to establish university affiliated programs and one grant to conduct a feasibility study. In FY 1992, ADD awarded three grants to establish university affiliated programs which were deferred for funding under the FY 1991 expansion announcement.

### **Part II. Specific Responsibilities of the Applicant**

#### *A. Applicant Responsibilities*

ADD is requesting applicants to prepare an application of no more than 30 double-spaced typewritten pages to text and 30 pages of appendices (25 pages of text for satellite centers and 25 pages of appendices); and no more than 14 pages of text and 10 pages of appendices for feasibility studies.

#### **1. UAP or Satellite Center Applications**

Applications must include all of the items below:

(a) A description and explanation of the ways the applicant program meets the legislative mandates for university affiliated programs or satellite centers under Part D of the act, as appropriate;

(b) A description and explanation of the ways university affiliated program and satellite center applicants meet, or plan to meet, each of the applicable program criteria for UAPs and satellite centers (See 45 CFR part 1388);

(c) The assurance that the requirement to establish a consumer advisory committee comprised of consumers, family members, representatives of State protection and advocacy systems, developmental disabilities councils (including State service agency directors), local agencies, and private nonprofit groups concerned with providing services for persons with developmental disabilities has been met; and

(9) An assurance that the requirement to provide an opportunity for comment to the general public in the State and to the Development Disabilities State Planning Council in which the program will be conducted or the satellite center is located has been met. (See section 153(b)(5) of the Act, 42 U.S.C. 6063(b)(5).)

#### **2. Feasibility Study Applications**

Applications to conduct feasibility studies must include all of the items below:

(a) A description of the existing program and a description of the need for the establishment of a new UAP or satellite center;

(b) A description of the activities planned for determining the feasibility of implementing a program to address each of the four major areas of UAP responsibility;

(c) The responsibilities, extent of participation in the project and qualifications of faculty and staff; and

(d) An assurance of affiliation and cooperation with one or more colleges or universities.

#### *B. Grantee Share of the Project*

Applicants for university affiliated program, satellite center, and feasibility study projects must provide matching funds of at least 25 percent from a source other than the Federal Government (one dollar match for every three dollars of Federal financial assistance requested). If the Federal share is \$75,000, the required non-Federal share is \$25,000 for a total project cost of \$100,000. If, however, the university affiliated program, satellite center, or feasibility study targets people who live in urban or rural poverty areas, the Federal share may not exceed 90 percent of the project's necessary costs.

### **Part III. Criteria for Review and Evaluation of Applications for Unserved Areas**

In considering how the grantee will carry out the responsibilities under part II of this announcement, competing applications for unserved areas will be reviewed and evaluated against the following criteria:

#### *A. Objectives and Need for Assistance (25 Points)*

Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Describe the needs of unserved or underserved populations within the State. Demonstrate the need for the assistance and state the principal and subordinate objectives for the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.



**B. Results or Benefits Expected (30 Points)**

Identify results and benefits to be derived. The anticipated contribution to policy, practice, theory, and research should be indicated.

**C. Approach (40 Points)**

Outline a plan of action pertaining to the scope of work and detail how the proposed work will be accomplished for each project. Cite factors which might accelerate or decelerate the work and your reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements. Provide for each assistance program quantitative projections of the accomplishments to be achieved, if possible. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. List each organization, collaborator, consultant, or other key individuals who will work on the project along with a short description of the nature of their contribution.

**D. Geographic Location (5 Points)**

Give the precise location of the project and area to be served by the proposed project. Maps or other graphic aids may be attached.

**Part IV. Criteria for Review and Evaluation of Applications for Underserved Areas**

In considering how the grantee will carry out the responsibilities under part II of this announcement, competing applications for underserved areas will be reviewed and evaluated against the following criteria:

**A. Objectives and Need for Assistance (50 Points)**

Provide a detailed review of the nature and scope of present UAP services in the State. This should include the number of individuals served, services provided, and organization (including the staffing pattern) of the current UAP. Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Show how the geographic location of the

proposed UAP strategically meets the needs of an underserved population. Demonstrate the need for the assistance and state the principal and subordinate objectives for the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Any relevant data based on planning studies should be included or footnoted.

**B. Results or Benefits Expected (20 Points)**

Identify results and benefits to be derived. The anticipated contribution to policy, practice, theory, and research should be indicated.

**C. Approach (30 Points)**

Outline a plan of action pertaining to the scope of work and detail how the proposed work will be accomplished for each project. Cite factors which might accelerate or decelerate the work and your reasons for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements. Provide for each assistance program quantitative projections of the accomplishments to be achieved, especially as they relate to meeting the needs of an unserved population. When accomplishments cannot be quantified, list the activities in chronological order to show the schedule of accomplishments and their target dates. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. List each organization, collaborator, consultant, or other key individuals who will work on the project along with a short description of the nature of their contribution.

**Part V. The Application Process****A. Availability of Forms**

All instructions and forms for submittal of applications are included in an application kit available upon request from the Administration on Developmental Disabilities. The application kit, including certifications regarding drug-free workplace, debarment and lobbying, as well as additional copies of this announcement may be obtained by writing or telephoning: Mickey Holton, Administration on Developmental Disabilities, Program Development

Division, 200 Independence Avenue, SW., Hubert H. Humphrey Building, room 336D, Washington, DC 20201, Telephone (202) 245-1963.

**B. Application Submission**

One signed original and two copies of the grant application must be mailed or hand delivered to: Department of Health and Human Services, Administration on Children and Families, Grants and Contracts Management Division, 200 Independence Avenue, SW., HHH Building, room 341-F, Washington, DC 20201, Attn: Margaret Tolson.

The original and the copies should be stapled in the upper left corner.

In order to be considered for a grant under this program announcement, an application must be submitted in accordance with the instructions provided in the application kit and in the manner required by this announcement. The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

**C. Application Consideration**

Applications which are complete and conform to the requirements of this program announcement are subject to a competitive peer review and evaluation by qualified individuals. Applicants will be scored against the evaluation criteria listed above. The Commissioner, ADD, determines the final action to be taken with respect to each grant application for this program.

After the Commissioner has made the final selection, unsuccessful applicants will be notified in writing of this final decision. The successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds awarded, the budget period for which support is given, the non-Federal share requirements, and the total period for which project support is contemplated.

**D. Closing Date for Receipt of Application**

The closing date for receipt of all applications under this Program Announcement is April 27, 1992.

1. *Mailed applications:* Applications shall be considered as meeting the deadline if they are either:

- a. received on or before the deadline date at the ACF Grants Office, or
- b. sent on or before the deadline date and received by the granting agency in time for the independent review under the Health and Human Services Grants Administration Manual, chapter 1-62.



(Applicants are cautioned to request a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailing.)

**2. Applications submitted by other means:** Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date. Hand delivered applications will be accepted at the ACF Grants and Contracts Management Division Office during the normal working hours of 9 a.m. to 5:30 p.m., Monday through Friday.

**3. Late applications:** Applications which do not meet criteria one and two above are considered late applications and will not be considered.

**4. Extension of deadline:** The Administration on Developmental Disabilities may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mail. However, if ADD does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

**E. Paperwork Reduction Act of 1980**

Under the Paperwork Reduction Act of 1980, Public Law 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations including program announcements. This program announcement does not contain

information collection requirements beyond those approved for UAP grant applications by OMB.

**F. Notifications Under Executive Order 12371, State Single Point of Contact**

University Affiliated Programs, Satellite Centers and the relevant feasibility study grants are not covered by Executive Order 12372 (Form 424, Item 16).

(Catalog of Federal Domestic Assistance Program Number 93.632 Developmental Disabilities—University Affiliated Programs)

Dated: January 6, 1992.

**Deborah L. McFadden,**  
Commissioner, Administration on  
Developmental Disabilities.

[FR Doc. 92-4394 Filed 2-25-92; 8:45 am]

BILLING CODE 4130-01-M







# **Export-Import Federal Register**

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Wednesday  
February 26, 1992

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## **Part IV**

### **The President**

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**Presidential Determination No. 92-14—  
Determination Under Section 2(b)(2) of  
the Export-Import Bank Act of 1945, as  
Amended: Ethiopia**



February 28, 1992  
Wednesday

Part IV

The President

Presidential Determination No. 92-14--  
Continuation Under Section 201(2) of  
the Export-Import Bank Act of 1980, as  
Amended; Ethiopia



# Presidential Documents

Title 3—

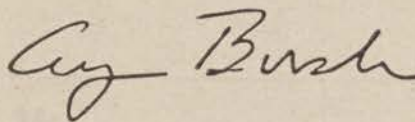
Presidential Determination No. 92-14 of February 10, 1992

The President

**Determination Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as Amended: Ethiopia****Memorandum for the Secretary of State**

Pursuant to the authority vested in me by section 2(b)(2)(C) of the Export-Import Bank Act of 1945, as amended (the Act), 12 U.S.C. 635(b)(2)(C), I hereby determine that Ethiopia (designated "Socialist Ethiopia" in section 2(b)(2)(B)(ii) of the Act) has ceased to be a Marxist-Leninist country within the definition of such term in subparagraph (B)(i) of such section.

You are directed to report this determination to the Congress and publish it in the **Federal Register**.



THE WHITE HOUSE,  
Washington, February 10, 1992.

[FR Doc. 92-4596

Filed 2-24-92; 5:07 pm]

Billing code 3195-01-M







# Test Report

Wednesday  
February 26, 1992

## Part V

## Department of Transportation

Federal Aviation Administration

Receipt of Noise Compatibility Program  
and Request for Review; Notice



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Receipt of Noise Compatibility Program and Request for Review; Ryan Airfield, Tucson, AZ**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Ryan Airfield under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150 by the Tucson Airport Authority. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Ryan Airfield were in compliance with applicable requirements effective April 5, 1990. The proposed noise compatibility program will be approved or disapproved on or before August 8, 1992.

**EFFECTIVE DATE:** The effective date of the start of FAA's review of the noise compatibility program is February 10, 1992. The public comment period ends April 9, 1992.

**FOR FURTHER INFORMATION CONTACT:** David B. Kessler, Airport Planner, Airports Division, AWP-611.2, Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, Telephone: 310/297-1534. Comments on the proposed noise compatibility program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed noise compatibility program for Ryan Airfield which will be approved or disapproved on or before August 8, 1992. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Ryan Airfield, effective on February 10, 1992. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 8, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process

are whether the proposed measures may reduce the level of aviation safety, create an undue burden in interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, room 3E24, 15000 Aviation Boulevard, Hawthorne, California 90261.

Tucson Airport Authority, 7005 South Plumer Avenue, Tucson, Arizona 85706.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Hawthorne, California on February 10, 1992.

**Herman C. Bliss,**

*Manager, Airports Division, AWP-600, Western-Pacific Region.*

[FR Doc. 92-4398 Filed 2-25-92; 8:45 am]

**BILLING CODE 4910-13-M**



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# Chapter 10

## Section 10.1

### Section 10.1.1

The first part of the chapter discusses the basic concepts of the theory of functions of a real variable. It begins with a discussion of the real number system and the properties of real numbers. It then discusses the concept of a function and the properties of functions. The chapter concludes with a discussion of the continuity of functions.

The second part of the chapter discusses the concept of a limit. It begins with a discussion of the definition of a limit and the properties of limits. It then discusses the concept of a continuous function and the properties of continuous functions. The chapter concludes with a discussion of the concept of a derivative and the properties of derivatives.

The third part of the chapter discusses the concept of a definite integral. It begins with a discussion of the definition of a definite integral and the properties of definite integrals. It then discusses the concept of an indefinite integral and the properties of indefinite integrals. The chapter concludes with a discussion of the concept of a differential equation and the properties of differential equations.

The fourth part of the chapter discusses the concept of a double integral. It begins with a discussion of the definition of a double integral and the properties of double integrals. It then discusses the concept of a triple integral and the properties of triple integrals. The chapter concludes with a discussion of the concept of a line integral and the properties of line integrals.

The fifth part of the chapter discusses the concept of a surface integral. It begins with a discussion of the definition of a surface integral and the properties of surface integrals. It then discusses the concept of a volume integral and the properties of volume integrals. The chapter concludes with a discussion of the concept of a vector field and the properties of vector fields.

The sixth part of the chapter discusses the concept of a tensor. It begins with a discussion of the definition of a tensor and the properties of tensors. It then discusses the concept of a tensor field and the properties of tensor fields. The chapter concludes with a discussion of the concept of a tensor calculus and the properties of tensor calculus.

# Chapter 11

## Section 11.1

### Section 11.1.1

The first part of the chapter discusses the basic concepts of the theory of functions of a complex variable. It begins with a discussion of the complex number system and the properties of complex numbers. It then discusses the concept of a function of a complex variable and the properties of functions of a complex variable. The chapter concludes with a discussion of the concept of a conformal mapping and the properties of conformal mappings.

The second part of the chapter discusses the concept of a limit of a function of a complex variable. It begins with a discussion of the definition of a limit and the properties of limits. It then discusses the concept of a continuous function of a complex variable and the properties of continuous functions of a complex variable. The chapter concludes with a discussion of the concept of a derivative of a function of a complex variable and the properties of derivatives of functions of a complex variable.

The third part of the chapter discusses the concept of a definite integral of a function of a complex variable. It begins with a discussion of the definition of a definite integral and the properties of definite integrals. It then discusses the concept of an indefinite integral of a function of a complex variable and the properties of indefinite integrals of functions of a complex variable. The chapter concludes with a discussion of the concept of a differential equation of a function of a complex variable and the properties of differential equations of functions of a complex variable.

The fourth part of the chapter discusses the concept of a double integral of a function of a complex variable. It begins with a discussion of the definition of a double integral and the properties of double integrals. It then discusses the concept of a triple integral of a function of a complex variable and the properties of triple integrals of functions of a complex variable. The chapter concludes with a discussion of the concept of a line integral of a function of a complex variable and the properties of line integrals of functions of a complex variable.

The fifth part of the chapter discusses the concept of a surface integral of a function of a complex variable. It begins with a discussion of the definition of a surface integral and the properties of surface integrals. It then discusses the concept of a volume integral of a function of a complex variable and the properties of volume integrals of functions of a complex variable. The chapter concludes with a discussion of the concept of a vector field of a function of a complex variable and the properties of vector fields of functions of a complex variable.

The sixth part of the chapter discusses the concept of a tensor of a function of a complex variable. It begins with a discussion of the definition of a tensor and the properties of tensors. It then discusses the concept of a tensor field of a function of a complex variable and the properties of tensor fields of functions of a complex variable. The chapter concludes with a discussion of the concept of a tensor calculus of a function of a complex variable and the properties of tensor calculus of functions of a complex variable.



